



U.S. Immigration and Customs Enforcement

ICE

Tactical Operations

Building Entry & Clearing Techniques



U.S. Immigration
and Customs
Enforcement

ICE

Tactical Operations

ICE building and entry techniques provide a safe and effective means to secure target structures when executing a search and/or arrest warrant.

Proper employment of these tactics during enforcement operations not only minimize the risk to the individual agent but to the general public and suspects.

LP Page 8



U.S. Immigration
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Enabling Performance Objectives

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Tactical Operations

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LP Page 9



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**Tactical
Operations**

Everyone is a
SAFETY Special
Agent!

LP Page 9



U.S. Immigration
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Tactical Ten Commandments

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The Tactical Ten Commandments

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**Tactical
Operations**

APPROACH



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LP Page 10



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**Tactical
Operations**

Approach

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LP Page 10



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LP Page 10



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**Tactical
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PERIMETER CONTROL



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Perimeter Control

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LP Page 11



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LP Page 12



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APPROACH AND PERIMETER CONTROL

APPROACH AND PERIMETER CONTROL

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APPROACH AND PERIMETER CONTROL

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**Tactical
Operations**

STACKING



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LP Page 12



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LP Page 12



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The fastest way through a door

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LP Page 12



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**Tactical
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MOVING WITH THE FLOW

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LP Page 12



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LP Page 12



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IMMEDIATE THREAT CONCEPT



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People

Require immediate attention.

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LP Page 13



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U.S. Immigration
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Open Doors and Hallways

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LP Page 13



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**Tactical
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Immediate Threat Concept

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TACTICAL CONSIDERATIONS



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Personnel requirements to clear a room

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Personnel requirements to clear a room/ communication

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Personnel requirements to clear a room/ communication

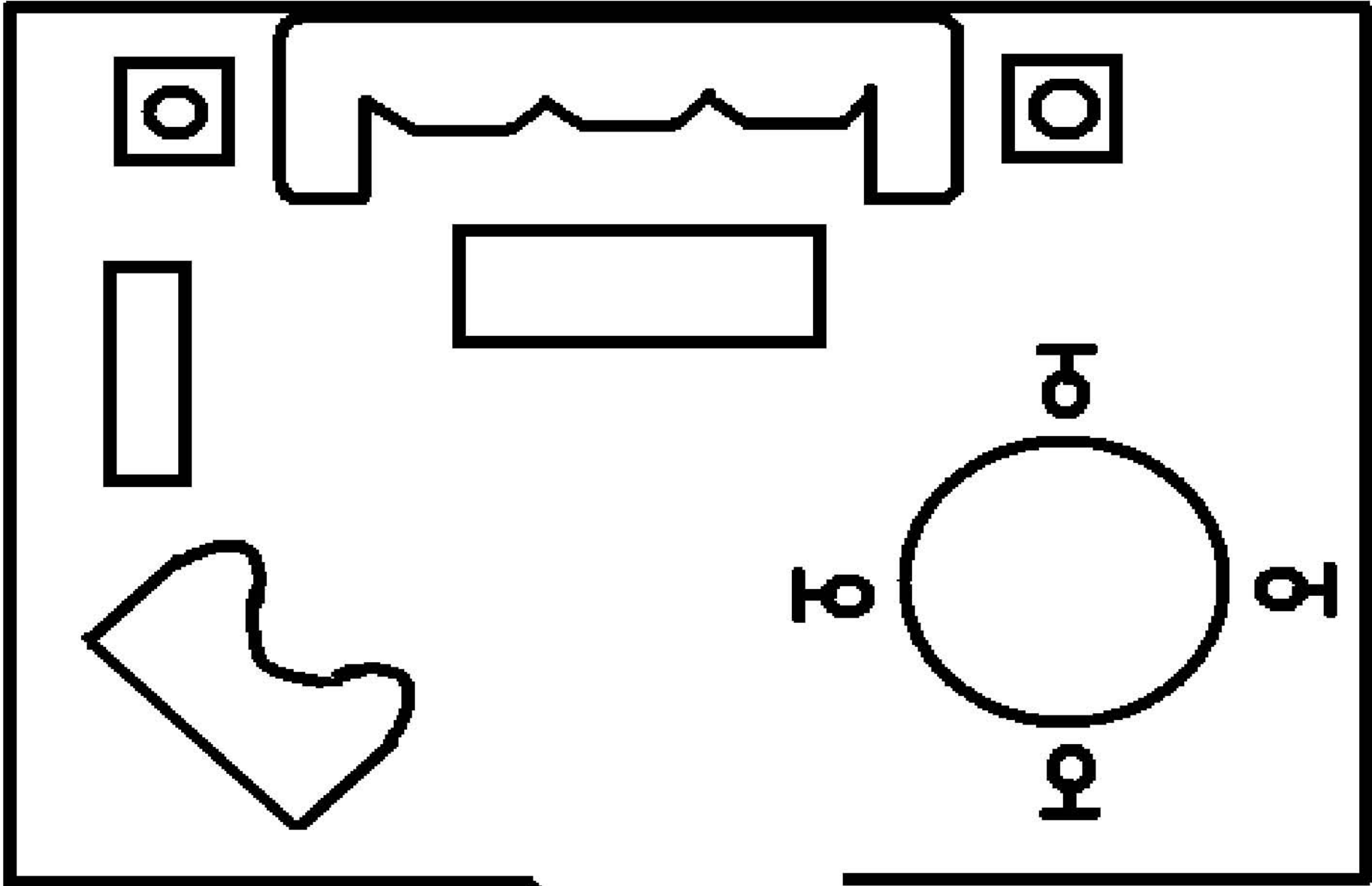
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LP Page 14



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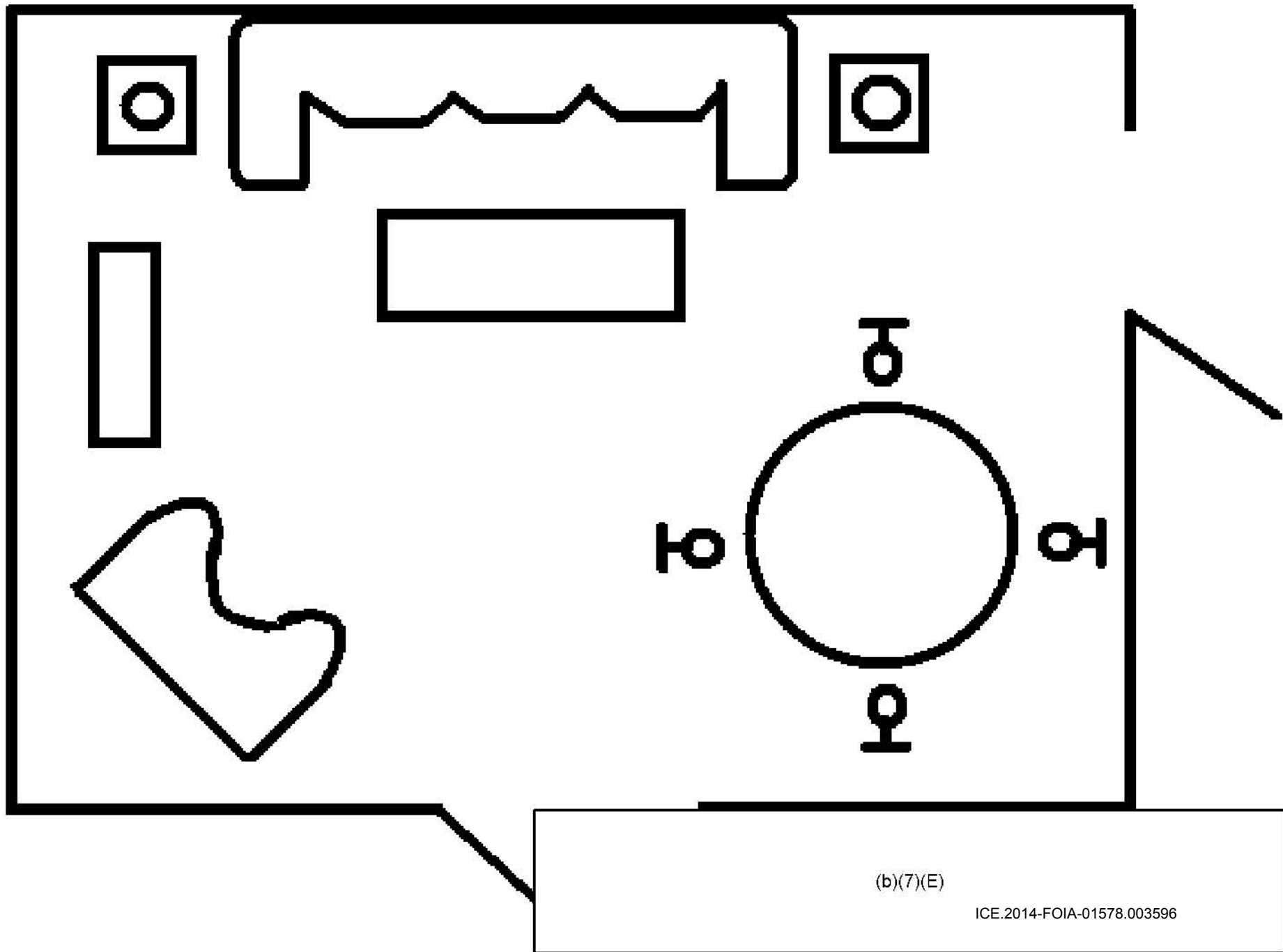


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LP Page 14



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Tactical Operations

LP Page 14



U.S. Immigration
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LP Page 14



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Tactical Operations

LP Page 14 and 15



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LP Page 15



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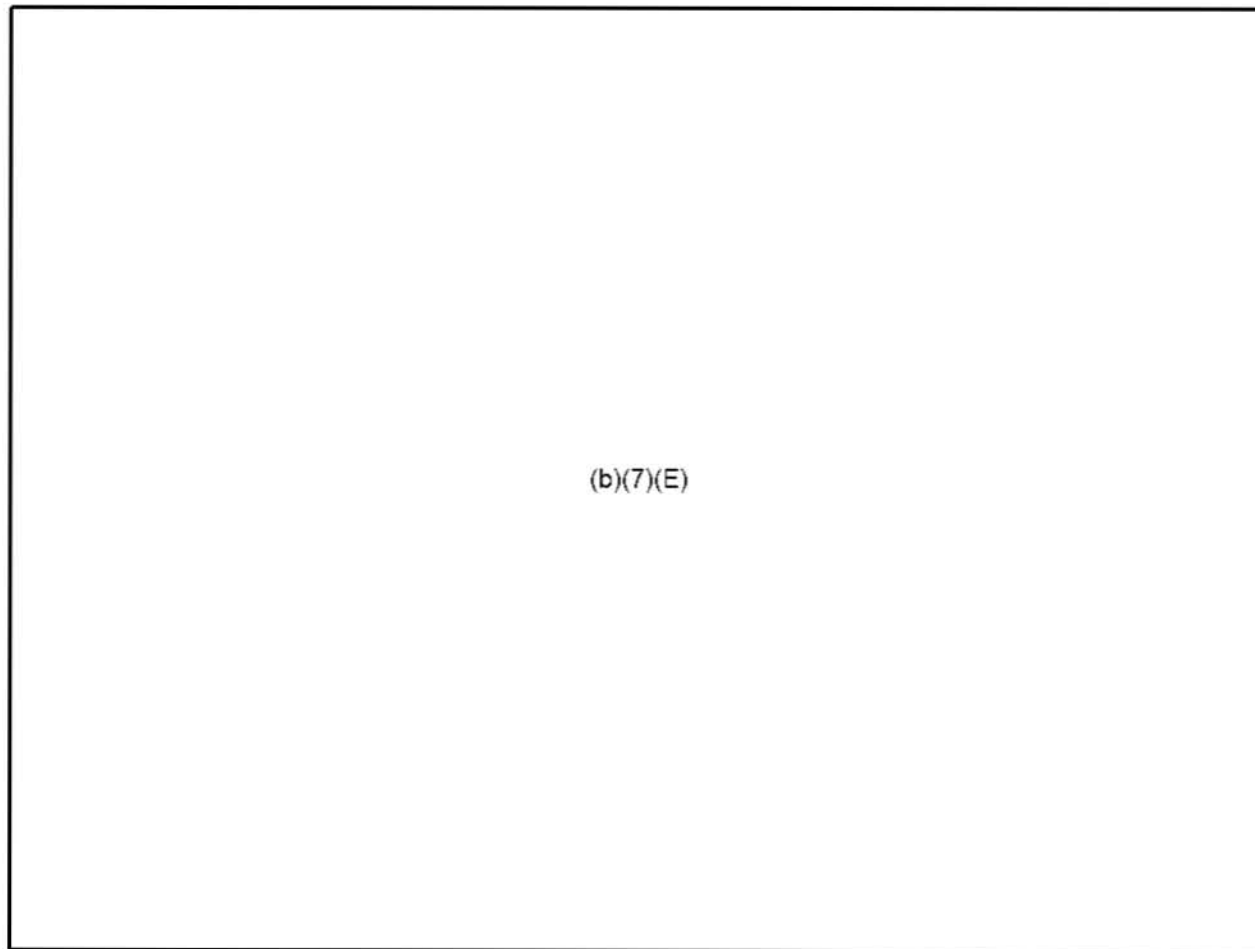
MOVEMENT PRINCIPLES



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**Tactical
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Movement Principles

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Movement Principles

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Movement Principles

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ROOM ENTRY METHODS



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LP Page 16



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LP Page 16



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Tactical Operations

LP Page 16



U.S. Immigration
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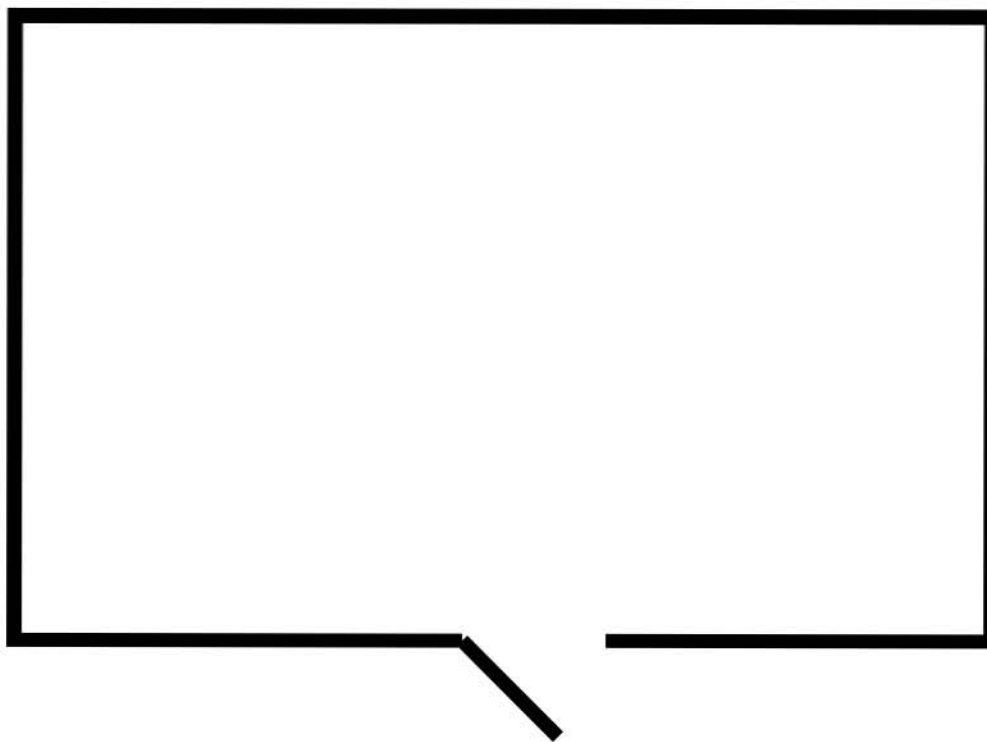
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The Mythical Empty Square Room



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This works great when the room is perfectly symmetrical and empty.

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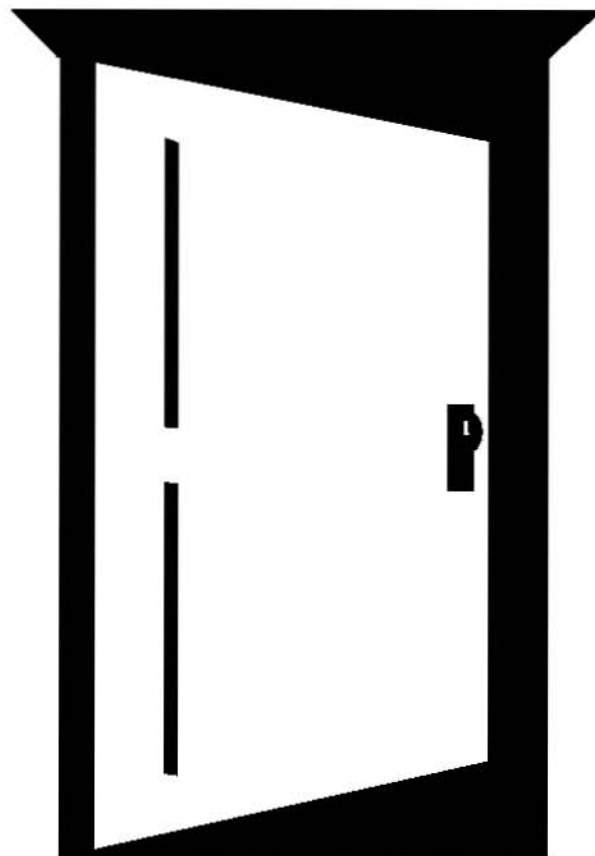
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**Tactical
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FIELDS OF FIRE



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Tactical Operations

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LP Page 17



U.S. Immigration
and Customs
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LP Page 17



U.S. Immigration
and Customs
Enforcement

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Closed Doors

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The Mythical Square Room with a Closed door

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**Tactical
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OCCUPANCY CONTROL



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Occupancy Control

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LP Page 18



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The Tactical Ten Commandments

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Summary



U.S. Immigration
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The Tactical Ten Commandments

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LP Page 9



U.S. Immigration
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U.S. Immigration and Customs Enforcement

ICE

Tactical Operations (Introduction to Building Entries)

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Office: 267- (b)(7)(C),(b)(6)

Cell: 577- (b)(7)(C),(b)(6)



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Tactical Operations



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**Tactical
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Everyone is a
SAFETY OFFICER!



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**Tactical
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APPROACH



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**Tactical
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PERIMETER CONTROL



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**Tactical
Operations**

STACKING



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**Tactical
Operations**

MOVING WITH THE FLOW

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**Tactical
Operations**

IMMEDIATE THREAT CONCEPT



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**Tactical
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CLEARING TECHNIQUES



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**Tactical
Operations**

MOVEMENT PRINCIPLES



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**Tactical
Operations**

ROOM ENTRY METHODS



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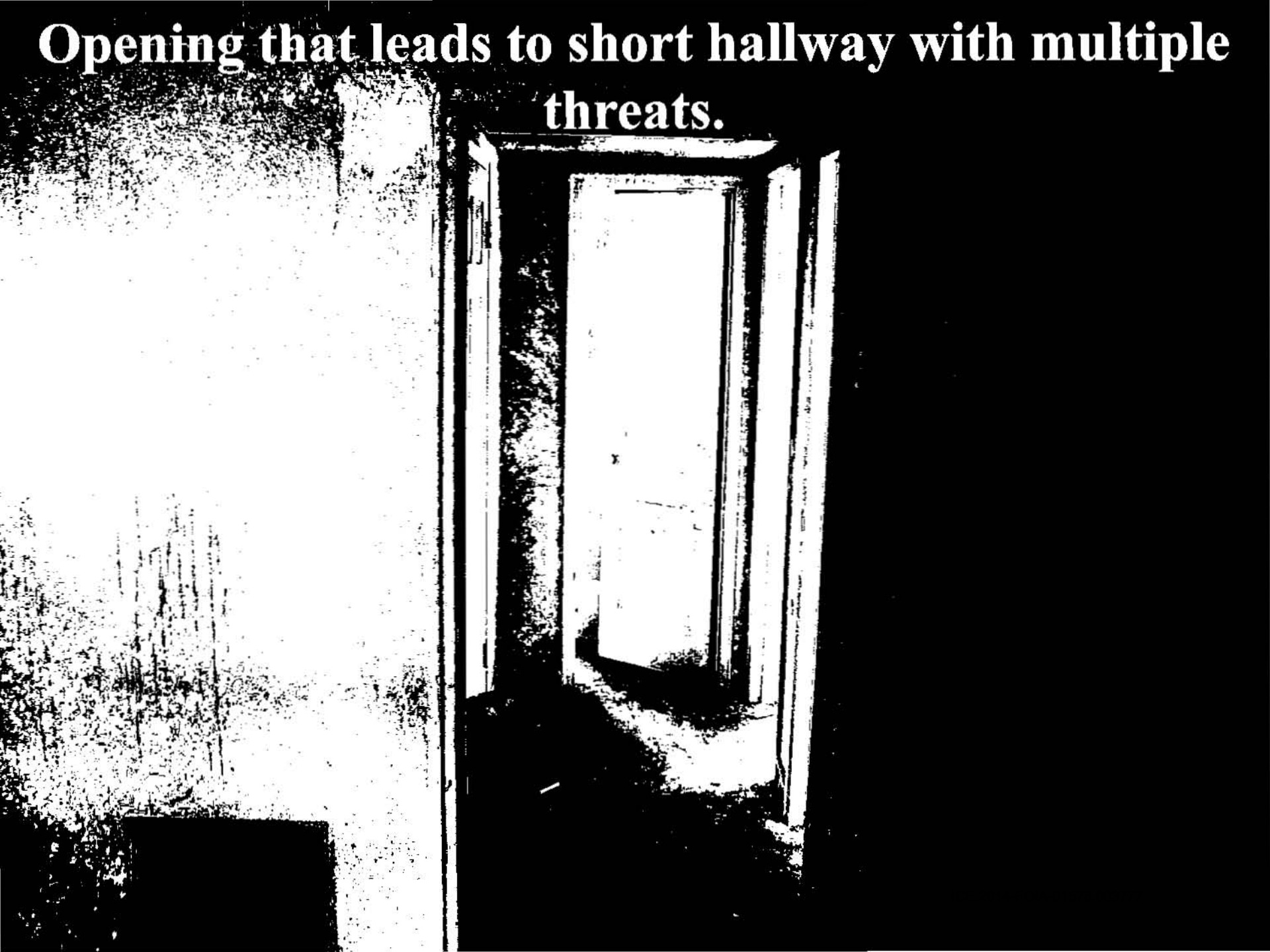
Common Doorway Into Bedroom



Room Split

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Opening that leads to short hallway with multiple threats.



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Hallway



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**Tactical
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CLEARING FUNDAMENTALS



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Tactical Operations



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Enforcement

(b)(7)(E)

ICE

**Tactical
Operations**

STAIRWAYS

(b)(7)(E)



U.S. Immigration
and Customs
Enforcement

ICE.2014-FOIA-01578.003822

ICE

**Tactical
Operations**

T-INTERSECTIONS

(b)(7)(E)



U.S. Immigration
and Customs
Enforcement

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

ICE

Tactical Operations



U.S. Immigration
and Customs
Enforcement

(b)(7)(E)

ICE

Tactical Operations



U.S. Immigration
and Customs
Enforcement

(b)(7)(E)

ICE

Tactical Operations



U.S. Immigration
and Customs
Enforcement

(b)(7)(E)

ICE.2014-FOIA-01578.003830

ICE

**Tactical
Operations**

OCCUPANCY CONTROL



U.S. Immigration
and Customs
Enforcement

ICE

**Tactical
Operations**

Cover - Contact

(b)(7)(E)



U.S. Immigration
and Customs
Enforcement

ICE

**Tactical
Operations**

Contact Officer

(b)(7)(E)



U.S. Immigration
and Customs
Enforcement

ICE

**Tactical
Operations**

Cover Officer

(b)(7)(E)



U.S. Immigration
and Customs
Enforcement



U.S. Immigration
and Customs
Enforcement

ICE

(b)(7)(E)

Deportation Officer
NVL/TN Fugitive Operations

(b)(7)(C),(b)(6)

Date

10/15/2010

Form G-166C (7-1-83)

Memorandum for Regional Directors, et al
Subject: Exercising Prosecutorial Discretion

Page 2

However, INS officers should continue to exercise their prosecutorial discretion in appropriate cases during the period before more specific program guidance is issued.

A statement of principles concerning discretion serves a number of important purposes. As described in the "Principles of Federal Prosecution,"² part of the U.S. Attorneys' manual, such principles provide convenient reference points for the process of making prosecutorial decisions; facilitate the task of training new officers in the discharge of their duties; contribute to more effective management of the Government's limited prosecutorial resources by promoting greater consistency among the prosecutorial activities of different offices and between their activities and the INS' law enforcement priorities; make possible better coordination of investigative and prosecutorial activity by enhancing the understanding between the investigative and prosecutorial components; and inform the public of the careful process by which prosecutorial decisions are made.

Legal and Policy Background

"Prosecutorial discretion" is the authority of an agency charged with enforcing a law to decide whether to enforce, or not to enforce, the law against someone. The INS, like other law enforcement agencies, has prosecutorial discretion and exercises it every day. In the immigration context, the term applies not only to the decision to issue, serve, or file a Notice to Appear (NTA), but also to a broad range of other discretionary enforcement decisions, including among others: Focusing investigative resources on particular offenses or conduct; deciding whom to stop, question, and arrest; maintaining an alien in custody; seeking expedited removal or other forms of removal by means other than a removal proceeding; settling or dismissing a proceeding; granting deferred action or staying a final order; agreeing to voluntary departure; withdrawal of an application for admission, or other action in lieu of removing the alien; pursuing an appeal; and executing a removal order.

The "favorable exercise of prosecutorial discretion" means a discretionary decision not to assert the full scope of the INS' enforcement authority as permitted under the law. Such decisions will take different forms, depending on the status of a particular matter, but include decisions such as not issuing an NTA (discussed in more detail below under "Initiating Proceedings"), not detaining an alien placed in proceedings (where discretion remains despite mandatory detention requirements), and approving deferred action.

² For this discussion, and much else in this memorandum, we have relied heavily upon the Principles of Federal Prosecution, chapter 9-27.000 in the U.S. Department of Justice's United States Attorneys' Manual (Oct. 1997). There are significant differences, of course, between the role of the U.S. Attorneys' offices in the criminal justice system and INS responsibilities to enforce the immigration laws, but the general approach to prosecutorial discretion stated in this memorandum reflects that taken by the Principles of Federal Prosecution.

Memorandum for Regional Directors, et al.
Subject: Exercising Prosecutorial Discretion

Page 1

Courts recognize that prosecutorial discretion applies in the civil, administrative arena just as it does in criminal law. Moreover, the Supreme Court "has recognized on several occasions over many years that an agency's decision not to prosecute or enforce, whether through civil or criminal process, is a decision generally committed to an agency's absolute discretion." Hickler v. Chaney, 470 U.S. 821, 831 (1985). Both Congress and the Supreme Court have recently reaffirmed that the concept of prosecutorial discretion applies to INS enforcement activities, such as whether to place an individual in deportation proceedings. INA section 342(g); Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471 (1999). The "discretion" in prosecutorial discretion means that prosecutorial decisions are not subject to judicial review or reversal, except in extremely narrow circumstances. Consequently, it is a powerful tool that must be used responsibly.

As a law enforcement agency, the INS generally has prosecutorial discretion within its area of law enforcement responsibility unless that discretion has been clearly limited by statute in a way that goes beyond standard terminology. For example, a statute directing that the INS "shall" remove removable aliens would not be construed by itself to limit prosecutorial discretion, but the specific limitation on releasing certain criminal aliens in section 236(c)(2) of the INA evidences a specific congressional intention to limit discretion not to detain certain criminal aliens in removal proceedings that would otherwise exist. Personnel who are unsure whether the INS has discretion to take a particular action should consult their supervisor and legal counsel to the extent necessary.

It is important to recognize not only what prosecutorial discretion is, but also what it is not. The doctrine of prosecutorial discretion applies to law enforcement decisions whether, and to what extent, to exercise the coercive power of the Government over liberty or property, as authorized by law in cases when individuals have violated the law. Prosecutorial discretion does not apply to affirmative acts of approval, or grants of benefits, under a statute or other applicable law that provides requirements for determining when the approval should be given. For example, the INS has prosecutorial discretion not to place a removable alien in proceedings, but it does not have prosecutorial discretion to approve a naturalization application by an alien who is ineligible for that benefit under the INA.

This distinction is not always an easy, bright-line rule to apply. In many cases, INS decisionmaking involves both a prosecutorial decision to take or not to take enforcement action, such as placing an alien in removal proceedings, and a decision whether or not the alien is substantively eligible for a benefit under the INA. In many cases, benefit decisions involve the exercise of significant discretion, which in some cases is not judicially reviewable, but which is not prosecutorial discretion.

Prosecutorial discretion can extend only up to the substantive and jurisdictional limits of the law. It can never justify an action that is illegal under the substantive law pertaining to the

Memorandum for Regional Directors, et al
Subject: Exercising Prosecutorial Discretion

Page 4

conduct, or one that while legal in other contexts, is not within the authority of the agency or officer taking it. Prosecutorial discretion to take an enforcement action does not modify or waive any legal requirements that apply to the action itself. For example, an enforcement decision to focus on certain types of immigration violators for arrest and removal does not mean that the INS may arrest any person without probable cause to do so for an offense within its jurisdiction. Service officers who are in doubt whether a particular action complies with applicable constitutional, statutory, or case law requirements should consult with their supervisor and obtain advice from the district or sector counsel or representative of the Office of General Counsel to the extent necessary.

Finally, exercising prosecutorial discretion does not lessen the INS' commitment to enforce the immigration laws to the best of our ability. It is not an invitation to violate or ignore the law. Rather, it is a means to use the resources we have in a way that best accomplishes our mission of administering and enforcing the immigration laws of the United States.

Principles of Prosecutorial Discretion

Like all law enforcement agencies, the INS has finite resources, and it is not possible to investigate and prosecute all immigration violations. The INS historically has responded to this limitation by setting priorities in order to achieve a variety of goals. These goals include protecting public safety, promoting the integrity of the legal immigration system, and deterring violations of the immigration law.

It is an appropriate exercise of prosecutorial discretion to give priority to investigating, charging, and prosecuting those immigration violations that will have the greatest impact on achieving these goals. The INS has used this principle in the design and execution of its border enforcement strategy, its refocus on criminal smuggling networks, and its concentration on fixing benefit-granting processes to prevent fraud. An agency's focus on maximizing its impact under appropriate principles, rather than devoting resources to cases that will do less to advance these overall interests, is a crucial element in effective law enforcement management.

The Principles of Federal Prosecution governing the conduct of U.S. Attorneys use the concept of a "substantial Federal interest." A U.S. Attorney may properly decline a prosecution if "*no substantial Federal interest would be served by prosecution.*" This principle provides a useful frame of reference for the INS, although applying it presents challenges that differ from those facing a U.S. Attorney. In particular, as immigration is an exclusively Federal responsibility, the option of an adequate alternative remedy under state law is not available. In an immigration case, the interest at stake will always be Federal. Therefore, we must place particular emphasis on the element of substantiality. How important is the Federal interest in the case, as compared to other cases and priorities? That is the overriding question, and answering it requires examining a number of factors that may differ according to the stage of the case.

RUSES

United States v. Garcia, 997 F.2d 1273, 1280-81 (9th Cir. 1993)

Where deputies talked to the defendant through a screen door while posing as potential renters, the Ninth Circuit found that an inference of consent resulted from the police officers' request to talk, the defendant's affirmative response and his decision to step back which cleared the way for the officers to enter.

United States v. Hernandez-Juarez, 2009 WL 693172 *4 (W.D.Tex. 3/16/09)

In an illegal re-entry prosecution, United States District Judge Xavier Rodriguez decided that the Government did not satisfy its burden of proving that a consent-giver provided voluntary consent when a FUGOPS team employed a fake photo ruse in an effort to gain entry to a residence on 12/17/08. Mrs. Hernandez, the consent-giver, told the agents that she did not know the person in the photograph and that the man they were looking for was not there. An officer asked Mrs. Hernandez if he and the other officers/agents could enter to look for the person depicted in the photo. Although the officer testified that she consented to their entry, Mrs. Hernandez said that the officers/agents entered before permission was given. The judge concluded that, "viewing the totality of all the circumstances, the ICE agents entered the most private of spaces, a home, without a warrant and with only a hunch that the person they were looking for would be inside. The ICE agents used a ruse upon a non-English speaking alien to obtain entry. The typical reasonable person would have understood that the exchange between the agent and Mrs. Hernandez would have amounted at most to allowing a search of the premises for the man in the ruse photograph." As an alternate basis for the court's decision, Judge Rodriguez found that if voluntary consent was given it was limited to a search for the person in the fake photograph. The evidence resulting from the defendant's arrest, including verbal statements and fingerprints, was suppressed.

United States v. Garcia-Longoria, Cause No. SA-09-CR-222-OG (W.D.Tex. 11/10/09)

In another illegal re-entry prosecution, on 2/23/09 six members of a FUGOPS team went to a residence where they believed the defendant was staying. A fake photo ruse was used in an effort to gain entry to the house where the defendant was found and arrested. Before entering the residence, Ms. Garza, the consent-giver was shown a photograph of a man other than the target of the investigation. She told the contact officer that the person in the photo did not live at that location and had never been there. Before entering, the officer asked Ms. Garza if the officers/agents could come into the house to see if the man in the photo was present. According to the officer, permission to enter was given. The district court, relying on Hernandez-Juarez, the ruse photo and the fact that Ms. Garza, the fiancée of the defendant, was faced with six armed agents surrounding her house, concluded that the government did not satisfy its burden of showing that she voluntarily consented to the search. In the alternative, if the consent was voluntary, it was limited to a search for the person in the ruse photo. As a result, all of the evidence derived from the arrest of the defendant, including fingerprints and verbal statements, was suppressed.

CONSENT

Schneckloth v. Bustamonte, 412 U.S. 218, 219, 226, 229-34, 248-49 (1973)

In this decision, the Supreme Court recognized that consent is one of the well-established exceptions to the Fourth Amendment requirement that a search be conducted based upon a warrant supported by probable cause. The totality of the circumstances, including the facts surrounding the questioning and the person's characteristics, are to be considered in deciding whether consent was given voluntarily or as a result of coercion or duress. Knowledge of the right to refuse consent is only one factor that is to be considered and, in order to demonstrate that consent was given voluntarily, the government is not required to prove that the consent-giver knew he or she could refuse.

United States v. Matlock, 415 U.S. 164, 170-71 n.7 (1974)

Where a girlfriend consented to the search of a bedroom she shared with the defendant, the Supreme Court stated "that the consent of one who possesses common authority over premises or effects is valid as against the absent, non-consenting person with whom that authority is shared." Common authority does not result from a third party's property interest. Rather, it is based "on mutual use of the property by persons generally having joint access or control for most purposes, so that it is reasonable to recognize that any of the co-inhabitants has the right to permit the inspection in his own right and that the others have assumed the risk that one of their number might permit the common area to be searched."

Payton v. New York, 445 U.S. 573, 583, 586, 596-98, 601-03 (1980)

Faced with two cases involving warrantless arrests, the Supreme Court examined the history of the Fourth Amendment and stated "that indiscriminate searches and seizures conducted under the authority of 'general warrants' were the immediate evils that motivated" its adoption... The Court stated that "[i]t is a 'basic principle of Fourth Amendment law' that searches and seizures inside a home without a warrant are presumptively unreasonable," recognized "the adage that 'a man's house is his castle,'" acknowledged "the overriding respect for the sanctity of the home that has been embedded in our traditions since the origins of the Republic," and quoted from an address by William Pitt in the House of Commons in 1763. Ultimately, it was held that "[i]f there is sufficient evidence of a citizen's participation in a felony to persuade a judicial officer that his arrest is justified, it is constitutionally reasonable to require him to open his doors to" law enforcement officers. For purposes of the Fourth Amendment, "an arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within."

Illinois v. Rodriguez, 497 U.S. 177, 185-86 (1990)

Where the police mistakenly believed that the defendant's girlfriend had authority to consent to a search of his apartment, the Supreme Court concluded that the Fourth Amendment exception for consent extends to warrantless entries and searches based upon consent provided by a person the police reasonably, but erroneously, believe to possess common authority over the premises.

Florida v. Jimeno, 500 U.S. 249-51 (1991)

During a traffic stop, Jimeno consented to a search of his car after the officer said that he believed Jimeno was carrying narcotics. After a kilogram of cocaine was found inside a brown paper bag during the search of the car, the Supreme Court stated: "The standard for measuring the scope of a suspect's consent under the Fourth Amendment is that of 'objective reasonableness' – what would the typical reasonable person have understood by the exchange between the officer and the suspect?" Deciding that Jimeno's general consent to a search of his car included an examination of a paper bag lying on the floor, the Court found "that it was objectively reasonable for the police to conclude that the general consent to search respondent's car included consent to search containers within that car which might bear drugs. A reasonable person may be expected to know that narcotics are generally carried in some form of a container."

Georgia v. Randolph, 547 U.S. 103, 115-16, 120 (2006)

In a case where the wife granted consent after the husband refused a police request to search their house, the Supreme Court held "that a warrantless search of a shared dwelling for evidence over the express refusal of consent by a physically present resident cannot be justified as reasonable as to him on the basis of consent given to the police by another resident." As a result, the search of the Randolph home based on the wife's consent was unreasonable with respect to the husband who was present and unequivocally refused to provide permission for the warrantless search by the police.

Brigham City, Utah v. Stuart, 547 U.S. 398, 403-04, 406 (2006)

After the police responded to a call concerning a loud party, several officers walked down the driveway and into the backyard where they observed a fight between four adults and a juvenile in the kitchen of the residence. The youth hit one of the adults in the face which led to the victim spitting blood into a sink as the other adults continued their efforts to restrain the juvenile. Those involved in the altercation did not notice or respond to an officer who opened the screen door and announced the presence of the police. The fight ended after the occupants became aware the officer had stepped into the kitchen.

Disorderly conduct, intoxication and contributing to the delinquency of a minor charges were brought. Faced with a challenge to evidence obtained after the officers entered the house, the Supreme Court concluded that "law enforcement officers may enter a home without a warrant to render emergency assistance to an injured occupant or to protect an occupant from imminent injury." Such action on the part of the police is reasonable when an objective view of the facts and circumstances justifies the entry.

United States v. Garcia, 997 F.2d 1273, 1280-81 (9th Cir. 1993)

Where deputies talked to the defendant through a screen door while posing as potential renters, the Ninth Circuit found that an inference of consent resulted from the police officers' request to talk, the defendant's affirmative response and his decision to step back which cleared the way for the officers to enter.

United States v. Hernandez-Juarez, 2009 WL 693172 *4 (W.D.Tex. 3/16/09)

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In another illegal re-entry prosecution, on 2/23/09 six members of a FUGOPS team went to a residence where they believed the defendant was staying. A fake photo ruse was used in an effort to gain entry to the house where the defendant was found and arrested. The district court, relying on Hernandez-Juarez, the ruse photo and the fact that the fiancée of the defendant was faced with six armed agents surrounding her house, concluded in an order that the government did not satisfy its burden of showing that she voluntarily consented to the search. In the alternative, if the consent was voluntary, it was limited to a search for the person in the ruse photo. As a result, all of the evidence derived from the arrest of the defendant, including fingerprints and verbal statements, was suppressed.



U.S. Immigration
and Customs
Enforcement

JUL 19 2010

MEMORANDUM FOR: Field Office Directors

FROM:

(b)(6),(b)(7)(C)

Acting Director

SUBJECT: Documentation of Consent to Enter and Search

Purpose

This memorandum establishes guidance for Detention and Removal Operations (DRO) officers regarding documentation of consent to enter and/or search a premise, or other constitutionally protected location, when consent is required in accordance with the Fourth Amendment.

Background

The Detention and Removal Operations mission promotes public safety and national security by ensuring the departure of all removable aliens from the United States through the fair and effective enforcement of the nation's immigration laws. During the execution of this mission, officers often possess only administrative arrest authorities pursuant to a Warrant for Arrest of Alien (I-200). As such, officers will often find themselves in circumstances requiring informed, voluntary consent to enter and/or conduct a search of a residence, vehicle or other constitutionally protected location in compliance with the Fourth Amendment.

Discussion

When consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent. The FOW shall be kept with other investigative case related materials for future reference. Also, if an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form I-213).

Additional inquiries, please contact the NFOP Unit Chief (b)(6),(b)(7)(C) at (202) 732-^{(b)(7)}₍₆₎ or email (b)(6),(b)(7)(C)

MAKING CONTACT IN A PUBLIC PLACE

Terry v. Ohio, 392 U.S. 1, 19-21 n. 16 (1968)

Assessing the reasonableness of a Cleveland detective's decision to stop Terry and two other men the officer believed were involved in unlawful activity, the Supreme Court stated that "not all personal intercourse between policemen and citizens involves 'seizures' of persons. Only when the officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen may we conclude that a 'seizure' has occurred." Aware that the police are faced with making decisions on short notice in sometimes quickly developing situations, the Court found that an objective standard should be used to judge an officer's conduct.

United States v. Mendenhall, 446 U.S. 544, 554 (1980)

In drug courier case that occurred at the Detroit Metropolitan Airport, the Supreme Court concluded that no seizure had occurred when the defendant was initially encountered on the concourse. The Court held "that a person has been 'seized' within the meaning of the Fourth Amendment only if, in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave. Examples of circumstances that might indicate a seizure, even where the person did not attempt to leave, would be the threatening presence of several officers, the display of a weapon by an officer, some physical touching of the person of the citizen, or the use of language or tone of voice indicating that compliance with the officer's request might be compelled."

Florida v. Royer, 460 U.S. 491, 497-98 (1983)

Dealing with the facts in a case where Royer had initially been stopped at the Miami International Airport by two detectives who believed he fit the "drug courier profile," the Supreme Court noted that law enforcement officers do not commit a Fourth Amendment violation "by merely approaching an individual on the street or in another public place, by asking him if he is willing to answer some questions, by putting questions to him if the person is willing to listen, or by offering in evidence in a criminal prosecution his voluntary answers to such questions." An encounter is not converted into a seizure simply by an officer identifying himself as a law enforcement officer.

ICE Use of Force Reporting Overview

- When officers employ hard techniques and/or intermediate force weapons to control a person, they shall immediately report the matter to their supervisor.
- Verbal reports must be followed by a written report prepared by the officer's first line supervisor containing the information outlined in Part 2.A.4 of the interim ICE Use of Force Policy.
- Supervisors are responsible for sending written reports to the OPR within five (5) business days.
- Copies of the written reports will be sent to the Director of the appropriate operational component and Director of the NFTTU within ten (10) business days.
- NOTE: The use of hard techniques or chemical agents that subsequently result in serious bodily injury or death will be reported following the processes for deadly force or discharge of a firearm.
- Also, when specialty impact munitions are employed as a hard technique to control a person, the officer shall immediately report the incident in accordance with the procedures prescribed for the use of deadly force/discharge of a firearm.

How do you get the reports to the NFTTU?

The following methods are to be used when submitting information on use of force incidents to the Director, NFTTU as specified in the interim ICE Use of Force Policy:

- Reports submitted electronically should be e-mailed to (b)(7)(E)
- Reports submitted by facsimile should be transmitted to (202) 732-4039.
- For reports that are hand-carried, shipped by overnight shipping companies or by U.S. Mail, use the following address:

U.S. Immigration and Customs Enforcement
National Firearms and Tactical Training Unit (NFTTU)
500 12th Street, SW, Room 5008
Washington, DC 20024

How do you get the reports to OPR?

The following methods are to be used when reporting Use of Force to OPR:

- Reports may be emailed to the Joint Intake Center electronically to (b)(7)(E)
- Questions may be directed to the Joint Intake on: 1-877-2INTAKE.

ICE Use of Force Reporting Overview

- Reports can be submitted via facsimile to FAX # (202) 344-3390.
- Reports that are hand-carried, delivered by overnight shipping carriers or by U.S. Mail, should use the following mailing address:

U.S. Immigration and Customs Enforcement
Office of Professional Responsibility
Joint Intake Center
P.O. Box 14475
1200 Pennsylvania Avenue, NW
Washington, DC 20044

(b)(7)(E)

(b)(7)(E)

ICE

**Compliance
Enforcement
Division**



U.S. Immigration
and Customs
Enforcement

Fugitive Operations Support Center



ICE

**Compliance
Enforcement
Division**



U.S. Immigration
and Customs
Enforcement

Fugitive Operations Support Center (FOSC)

Mission:

The FOSC was created to serve as a force multiplier for the Fugitive Operations Teams (FOTs), enhancing the efficiency and effectiveness of the National Fugitive Operations Program (NFOP) through the use of technology and partnership with law enforcement agencies.



ICE

**Compliance
Enforcement
Division**



U.S. Immigration
and Customs
Enforcement

Fugitive Operations Support Center (FOSC)

Objectives:

- Improve the accuracy/integrity of data relating to fugitives identified in EARM.
- Develop and forward leads (information identifying the possible location of fugitives based on data from both internal and external law enforcement entities; as well as on information gathered through intelligence assets), and disseminating them to the appropriate Field Office for location and arrest.
- Support national ICE/DRO initiatives.



ICE

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**U.S. Immigration
and Customs
Enforcement**

Fugitive Operations Support Center (FOSC)

(b)(7)(E)

ICE

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U.S. Immigration
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Fugitive Operations Support Center (FOSC)

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U.S. Immigration
and Customs
Enforcement

Fugitive Operations Support Center (FOSC)

(b)(7)(E)

ICE

Secure Communities

The FOSC provides training and oversees contract personnel who assist DRO Officers at the Interoperability Response Center (IRC) sites in:

- Chicago
- Los Angeles
- Miami



U.S. Immigration
and Customs
Enforcement

ICE

FOSC Contact Info

Fugitive Operations Support Center
426 Industrial Avenue, Suite 170
Williston, Vermont 05495

802-657-(b)(6),(b)(7)
(C)

(b)(6),(b)(7)(C)

Unit Chief



U.S. Immigration
and Customs
Enforcement



**UNITED STATES DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION & CUSTOMS ENFORCEMENT
ENFORCEMENT AND REMOVAL OPERATIONS**

FIELD OPERATIONS WORKSHEET

(b)(7)(E)

... SITUATION/ MISSION/ INVESTIGATIVE LEADS ...

... EQUIPMENT/ CLOTHING ...

Service Issued:	Raid Vests:	Long Arm:	Special:
-----------------	-------------	-----------	----------

Team:	I	Officer/ Agency:	Officer/ Agency:
		Officer/ Agency:	Officer/ Agency:
		Officer/ Agency:	Officer/ Agency:
Team:	II	Officer/ Agency:	Officer/ Agency:
		Officer/ Agency:	Officer/ Agency:
		Officer/ Agency:	Officer/ Agency:

... COMMUNICATIONS ...

Type:		Channel:		Frequency:		Team/ Individual:	
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... LAW ENFORCEMENT NOTIFICATION ...

Agency:		Name:		Telephone:	
Agency:		Name:		Telephone:	
Agency:		Name:		Telephone:	

... EMERGENCY MEDICAL SERVICES ...

Name:		Telephone:	
Location:			
Name:		Telephone:	
Location:			

Date of Operation:	Time of Operation:	Justification for After Hours Operation:	
Supervisory Concurrence:		FOD/ DFOD/ AFOD Approval:	
CONSENT	Name of Consent Provider:	Scope of Consent:	Time Consent Granted:
CONSENT	Witness to Consent:	Time Search Complete:	Time if Consent Withdrawn:
RESULTS	Date of Arrest:	Location of Arrest:	Additional Information:

ENFORCEMENT AND REMOVAL OPERATIONS
FIELD OPERATIONS WORKSHEET
INSTRUCTIONS FOR USE

Case Officer: Enter the name of the ICE Officer creating the target folder based on their investigation.

Case Number: For use by those offices that have an internal tracking system for case management. In the absence of such a system, this space may be left blank.

Name: Enter the target's Last (Control) name first, all caps, followed by full first and middle names.

AKA: Enter all known aliases/names used by the target. If more space is needed, include in "SITUATION/MISSION/INVESTIGATIVE LEADS". Format should be same as "Name"

Country of Citizenship: Enter the target's nationality. If place of birth is different or dual-citizenship exists, include in "SITUATION/MISSION/INVESTIGATIVE LEADS".

File Number: Enter the target's Administrative File (A-File) number. Format- A000 000 000. If the target does not yet have an A-File number, insert "To Be Issued". Upon arrest of the target and issuance of an A-File number, the Officer will write the number on the Field Operations Worksheet for future reference.

Sex: Enter the word "Male" or "Female"

Date of Birth: Enter the target's birth date. Format- MM/DD/YYYY

Age: Enter the target's age at time of worksheet preparation.

Height: Enter the Target's height in feet and inches.

Weight: Enter the target's weight in pounds. 1 Kilogram = 2.2 pounds

Eyes: Enter the target's eye color using the following abbreviations:

BG	=	BLUE/GREEN	GR	=	GREEN
BK	=	BLACK	GY	=	GREY
BL	=	BLUE	HA	=	HAZEL
BR	=	BROWN	RD	=	RED(ALBINO)

Hair: Enter the target's hair color using the following abbreviations:

BA	=	BALD	GY	=	GRAY
BK	=	BLACK	RD	=	RED
BN	=	BLONDE	WH	=	WHITE
BR	=	BROWN			

Complexion: Enter the applicable term as noted below ONLY:

- Light
- Medium
- Dark
- Very dark

Scars, Marks and/or Tattoos: - Enter any visible distinguishing physical characteristics such as birthmarks, scars, tattoos, or amputations. Provide brief descriptions i.e.: Surgical scar, right ankle. Cross tattoo, left shoulder. Missing ring finger, left hand. Always include the distinguishing characteristic that is likely to be most visible to the arresting officer first. If more space is needed, continue in "SITUATION/MISSION/INVESTIGATIVE LEADS".

FBI Number: Enter the target's FBI number, if applicable. If there is no FBI number, indicate "N/A"-Not Applicable. If an FBI number is provided, you must indicate the corresponding criminal activity and disposition in the "Criminal History" section of the worksheet. If the FBI number was generated based solely on the Target's previous immigration arrest indicate "Immigration Only" in the Criminal History section of the worksheet.

Social Security Number: Enter the target's Social Security number, if applicable. Format-000-00-0000. If no Social Security number, indicate "N/A"-Not Applicable.

SID: Enter target's State Identification Number, if applicable. If no SID number, indicate "N/A"-Not Applicable. If a SID number is provided, you must indicate the corresponding criminal activity and disposition in the "Criminal History" section of the worksheet.

Drivers License Number: Enter the target's driver's license number, if applicable.

Issuing State: Enter the two-letter abbreviation indicating the state where the target's driver's license was issued.

Children: Enter the number of known children here and list details in "SITUATION/MISSION/INVESTIGATIVE LEADS" section.

Spouse: Enter the target's spouse's name here, if applicable. Format should be same as "Name".

NCIC WP: Denotes whether the subject is wanted by another agency based on NN13 check in NCIC via TECS. If Subject has a warrant from another agency in NCIC, place "**POS**" for positive in this section. A "**POS**" response will be accompanied by a line at the bottom of the "CRIMINAL HISTORY" denoting the name of the Agency that issued the warrant. If no warrant is found, place "**NEG**" for negative in this section. Also, enter the date of the query. Hard copies of printouts regarding NCIC wants should be tagged/labeled and placed immediately behind the FOW in the target folder.

ATS-P: The date on which ATS-P is checked.

OTHER LITIGATION/CHECKS: This section should be used to note any motions to reopen or other actions taken that will affect the removability of a subject. If more space is needed, continue in "SITUATION/MISSION/INVESTIGATIVE LEADS".

EARM Updated (formerly DACS Updated): Enter the date on which you confirmed ENFORCE Alien Removal Module (EARM) data integrity. At the time of the Field Operations Worksheet creation, if applicable, the EARM will be updated to reflect the appropriate case category, the "crime" screen (under "person" tab) will be complete and current, and a comment will be entered to reflect the creation of a target folder.

CIS: The date on which the CIS is checked.

CLAIMS: The date on which CLAIMS is checked.

EOIR Contacted: The date on which the local Office of Chief Counsel is contacted. At the time of the Field Operations Worksheet creation, if applicable, the officer will request legal sufficiency from the local Office of Chief Counsel. If applicable, the Officer will verify that no stay of removal or other legal hindrance to the removal of the alien exists.

TECS SQAD and SQ11: These are mandatory queries in TECS. Mark the **POS** box for positive results and the **NEG** box for negative results. Indicate the date of the queries for both checks. If search queries are positive, explain in "SITUATION/MISSION/INVESTIGATIVE LEADS". A positive result in SQ11 or SQAD should be resolved before presenting the FOW for signature by an authorizing official. If the target of the FOW has an open case with ICE Office of

Investigations or another agency, then the Officer with control of that case must be contacted, concur with further action, and be noted here.

IJ DEC/DATE: The date that a final order of removal was issued by an Immigration Judge, if applicable.

VD Exp Date: The date on which an order of voluntary departure (including any extensions) expired without the Subject departing, resulting in a final order of removal.

BIA Dec/Date: The date on which the Board of Immigration Appeals affirmed the decision of an Immigration Judge, or declined to entertain an appeal, resulting in a final order of removal. If BIA appeal is still pending, indicate accordingly and the date the status of the appeal was checked.

Benefits Checks: Check the appropriate box if any of the following forms of relief from removal apply:

- American Baptist Churches Settlement Agreement (ABC)
- Temporary Protected Status (TPS)
- Family Unity Act (Family Unity)
- Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA)
- Deferred Enforced Departure (DED)
- Convention Against Torture (CAT)

If the Subject of the FOW is covered under any of the above forms of relief, an explanation of why they continue to be targeted will be placed in "SITUATION/MISSION/INVESTIGATIVE LEADS".

CRIMINAL HISTORY: Any criminal history found during checks will be placed here. The Format will be "Date, Description of Crime: Disposition: Sentence". If the target has a lengthy criminal history, place the 3 most egregious crimes in this space. Also note any officer safety concerns here, including, but not limited to: violence*, weapons, escape, or if medical concerns require special precautions.

(*ALL violent arrests should be listed by date – if not convicted, annotate as such, however violent encounters will listed for Officer Safety.)

LAST KNOWN ADDRESS:

- **Address:** Format: House/Building Number, Street, Apartment Number
- **City:** Name of city or town
- **State:** Enter two letter state abbreviation + 5 digit zip code.
- **Secondary Address:** Any secondary address where the target may be residing based on investigation and surveillance. Format: House/Building Number, Street, Apartment Number; Name of city or town, State, Zip. If

- the address is known to belong to a spouse or family member of the target, this should be noted in parentheses. Examples: (*Spouse*), (*Sister*), (*Girlfriend*).
- **Vehicles:** List all registered vehicles of subject per DMV checks or TECS NN11. List the year, make, model* & tag number (and color if known) (*If record checks do not list a specific model, use "Google" to search the VIN# only and a model will list)
- **Employment:** Address of target's employment, if known. Format: Business Name, House/Building Number, Street, Apartment/Office Number; Name of city or town, State, Zip, Phone Number of Business.

PHOTO: Insert most recent available photo of target in this space. Photos may be added as an attachment if they cannot be inserted with in the space provided. Include multiple photos if there are photos available showing with or without facial hair, tattoos, injuries, etc. Annotate the date of the photo to assist in possible aging estimates for recognition.

SITUATION/MISSION/INVESTIGATIVE LEADS: This field should be used to record any special notes regarding the investigation. This includes additional information from other fields on the FOW. (Note: Extensive investigative notes should be recorded separately on a G-166 which will accompany the FOW in the target folder.)

EQUIPMENT/CLOTHING: This box should be used to note any special clothing requirements that may be required based on investigative research, surveillance, operational or environmental conditions.

"TEAM" Box: This area will be used to identify the name of the team making the arrest. Under "Officer/Agency" the name of each participating officer and their agency, (if other than ICE ERO) should be noted. If working with Officers from other units, programs, or agencies, then cell phone contact numbers should be included for good communication and officer safety.

COMMUNICATIONS:

- **Type:** This box should be used to identify the type of communications to be used. Examples: *Radio*, *Cellular*. (If choosing cellular, ensure that every team member is provided with a list of other team member's numbers.)
- **Channel:** Insert Channel that will be used, i.e. "ICE TAC 1"
- **Frequency:** If Applicable.
- **Team/Individual:** If multiple teams are to be utilized in a larger operation, indicate the team assigned this set of modes and channels, if applicable.

LAW ENFORCEMENT NOTIFICATION

- **Agency:** Enter the name of the Law Enforcement Agency having jurisdiction over the area in which the arrest is to be attempted.
- **Name:** Enter the specific name of the law enforcement official you have notified of the impending arrest attempt. If the contact is a dispatcher, request their ID Number.
- **Telephone:** Enter the telephone number of the law enforcement agency you notified.

EMERGENCY MEDICAL SERVICES

- **Name:** This box will be used to identify the closest medical facility to the operational area. Take the time to investigate the capabilities of the medical facility you identify. Not all hospitals and medical centers are equipped to handle life-threatening traumas or gun shot wounds. Higher levels of trauma centers will have trauma surgeons available, including those trained in such specialties as Neurosurgery and Orthopedic surgery as well as highly sophisticated medical diagnostic equipment. Lower levels of trauma centers may only be able to provide initial care and stabilization of a traumatic injury and arrange for transfer of the victim to a higher level of trauma care. A Level I trauma center provides the highest level of surgical care to trauma patients. Do not write "911" in this area. "911" may not be the fastest manner of getting to help in a life-threatening situation.
- **Location:** Place the physical address of the facility here. Format: House/Building Number, Street, Apartment Number; Name of city or town, State, Zip.
- **Telephone:** Place phone number of the facility here.

OPERATIONAL DATA

- **DATE OF OPERATION:** The date on which the operation occurs. Format is MM/DD/YYYY.
- **Time of Operation:** The time at which you knock on residence door or encounter subject.
- **Justification for After Hours Operation:** Place Yes, No, or N/A. Absent emergent circumstances, any after-hours operations should be pre-approved by the Field Office Director (FOD) or their designee.
- **Supervisory Concurrence:** The signature of the Fugitive Operations Supervisory Detention and Deportation Officer or the FOD designated alternate.
- **FOD/DFOD/AFOD Approval:** The signature of a second line approving official as dictated by local office policy. *Not all Field Offices require second line approval.*

CONSENT:

- **Name of Consent Provider:** The name of the person, with proper authority, giving voluntary consent. Format should be LAST NAME, First name.
- **Scope of Consent:** The scope of consent. For Example: "Residence", "Bedroom", "Garage", "Vehicle incl. trunk".
- **Time Consent Granted:** The time at which consent was granted.
- **Witness to Consent:** Name of a person who witnessed consent. *Preferably, this will be another law enforcement officer. If a second officer is not available, note the name of any other resident or family member who may have witnessed consent being given.*
- **Time Search Completed:** The time at which a consensual search was completed.
- **Time If Consent Withdrawn:** In the event that consent is withdrawn, note the time here.

RESULTS:

- **Date of Arrest:** Self-explanatory.
- **Location of Arrest:** Describe the premises where the arrest took place. I.e. residence, employment, parking lot, outside residence, etc.

(b)(7)(E)

EQUIPMENT / CLOTHING

Plaincloths

Team:	Bravo	Officer/Agency:	(b)(6),(b)(7)(C)	Officer/Agency:	(b)(6),(b)(7)(C)
		Officer/Agency:		Officer/Agency:	
		Officer/Agency:		Officer/Agency:	
Team:		Officer/Agency:		Officer/Agency:	
		Officer/Agency:		Officer/Agency:	
		Officer/Agency:		Officer/Agency:	

COMMUNICATIONS

Type:	Channel:	Frequency:	Team/Individual:
Radio		(b)(7)(E)	

LAW ENFORCEMENT NOTIFICATION AND CASE DECONFLICTED (SQ11/SQAD IN TECS)

Agency:	Charleston Co. SO	Name:	(b)(6),(b)(7)(C)	Telephone:	824 (b)(6) (b)
Agency:		Name:		Telephone:	
Agency:		Name:		Telephone:	

EMERGENCY MEDICAL SERVICES/TRAUMA CENTER

Name:	Roper St. Francis Medical Center Northwoods	Telephone:	824 (b)(6),
Location:	2233 Northwoods Blvd., North Charleston		
Name:		Telephone:	
Location:			

Date of Operation:	Time of Operation:	Justification for After Hours Operation:
June 7, 2010	0600	N/A

Supervisory Concurrence	FOD/DFOD/AFOD Approval
SDDO (b)(6),(b)	

CONSENT	Name of Consent Provider:	Scope of Consent:	Time Consent Granted:
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CONSENT	Witness to Consent:	Time Search Completed:	Time If Consent is Withdrawn:
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RESULTS	Date of Arrest:	Location of Arrest:	Additional Information:
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U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

DEC 08 2009

MEMORANDUM FOR: Field Office Directors and
All Fugitive Operation Team Members

FROM: John Morton
Assistant Secretary 

SUBJECT: National Fugitive Operations Program: Priorities, Goals, and
Expectations

Purpose

This memorandum serves to clarify the enforcement priorities of the National Fugitive Operations Program (hereinafter the program) within the Office of Detention and Removal Operations (DRO) and supersedes previously issued fugitive operations guidance. The existence and continuation of this program are essential to the integrity of the immigration and border controls. Good government is poorly served if, after much time and the expenditure of government resources, final orders of removal are ignored without consequence. Indeed, the sound administration of the nation's immigration system depends on an efficient, fair, and meaningful removal process. As a result, it is the clear policy of this agency that final orders of removal should be enforced and that those who knowingly disobey or evade a final order of removal should be apprehended and removed.

In order to ensure that the program's resources are used efficiently and as envisioned by Congress, it is the policy of this agency that the program focus on its core mission—the apprehension and removal of fugitive aliens.¹ In the interest of public safety and the rule of law, the program's resources may also be used to apprehend and remove (1) aliens who have been removed previously from the United States and then return illegally, and (2) criminal or otherwise dangerous aliens living at large in our communities. As a general rule, the program's resources should not be used to target other classes of removable aliens, although fugitive operations teams may apprehend and remove such aliens if encountered during normal operations.

¹ A fugitive is any alien who has failed to leave the United States following the issuance of a final order of removal, deportation, or exclusion or has failed to report to ICE after receiving notice to do so.

Enforcement Priorities

The following three tiers reflect, in order of priority, how fugitive operations teams should focus their resources. Teams must focus the vast majority of resources, at least 70%, on tier 1 fugitives. The remainder should be directed to tiers 2 and 3. The priorities within each tier are also listed below, with level I generally warranting more attention than level II, and so forth. These tiers and levels provide clear guidance to the field but should not be applied so rigidly as to undermine sound judgment when exceptions are warranted by circumstance.² Similarly, the tiers should not be so rigidly interpreted to prevent prioritizing an illegal reentrant with a serious criminal conviction over a fugitive with no criminal history.

Tier 1 Fugitive aliens

- I. Fugitives who pose a threat to national security
- II. Fugitives convicted of violent crimes or who otherwise pose a threat to the community
- III. Fugitives with a criminal conviction other than a violent crime
- IV. Fugitives with no criminal conviction

Tier 2 Previously removed aliens

- I. Previously removed aliens who pose a threat to national security
- II. Previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community
- III. Previously removed aliens with a criminal conviction other than a violent crime
- IV. Previously removed aliens with no criminal conviction

Tier 3 Removable aliens convicted of crimes

- I. Aliens convicted of level 1 offenses, as defined for purpose of Secure Communities
- II. Aliens convicted of level 2 offenses, as defined for purposes of Secure Communities
- III. Aliens convicted of level 3 offenses, as defined for purposes of Secure Communities

With respect to non-criminal fugitive targets in Tier 1, level IV, the Fugitive Operations Support Center (FOSC) and teams should consider that aliens who are the subject of in absentia orders and aliens with pending applications for relief before U.S. Citizenship and Immigration Services are more likely to have viable motions to reopen. For that reason, resources—particularly detention resources—may be better focused on other targets, unless aggravating circumstances offset the possibility of reopening or prolonged proceedings.

To promote efficiency, teams are expected to focus resources on cases with the most current investigative leads, including cases with the most recently issued final orders as these are most

² These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

likely to contain up-to-date contact information. These should be targeted as soon as possible to limit the opportunity for a fugitive to relocate. Teams are expected to act expeditiously if they receive current, time-sensitive leads.

As resources are best spent on cases with the freshest and most reliable leads, FOSC has created a cold case docket for those cases without any investigative leads in the past decade. FOSC will review the cold case docket twice a year to determine if new information has surfaced. New information may cause FOSC to conclude the case is resolved (for instance, because the case was reopened) or return it to the active fugitive docket (for instance, because of new information about the alien's location).

Teams will receive Fourth Amendment training every six months which will focus on the special considerations when apprehending fugitives at their home. Any team member with questions should consult his or her supervisors and consult with the Office of Chief Counsel. Team members are encouraged to engage in surveillance both to promote officer safety and increase the likelihood the team will encounter the targeted alien—rather than aliens who are not in the tiers above and would not otherwise have been the focus of limited government resources.

If during the course of operations teams encounter removable aliens, teams may place those aliens into removal proceedings, even if they are not in one of the three tiers. However, this should not detract attention away from the reason Congress mandated and funded fugitive operation teams—the apprehension and removal of fugitive aliens. In any event, detention resources shall be focused on aliens in the three tiers above and aliens subject to mandatory detention by law. Absent extraordinary circumstances, team members should not detain aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing, or the sole caretaker(s) of children or the infirm. To detain aliens in those categories, team members must secure approval from the Field Office Director and send a significant event notice (SEN) to headquarters.

Measuring Success

As apprehending and removing fugitives is the program's core mission, field offices' performance will be measured in part by the reduction in the fugitive docket and by compliance with priorities. Each field office and the FOSC should strive to reduce the pool of fugitives by 5% more in FY 2010 than it did in FY 2009. A field office may increase productivity—the reduction in the fugitive pool—by apprehending fugitives or otherwise resolving fugitive cases, even if no arrest is involved. This includes resolving cases by determining that a target has departed the country on his or her own or determining that the case was reopened or the target has since received an immigration benefit. Field offices should not feel such pressure to meet this goal that they lose focus on the priorities and sound use of resources. This goal does not constitute a quota; rather, this goal allows the teams to gage their productivity.

The field should not focus on numbers to the detriment of targeting and arresting the most egregious, violent offenders in their area of responsibility (AOR). To acknowledge the tiered prioritization above, DRO also will track fugitive arrests, by tier, using EARM/FCMS/TECS. Arrests will be separated by tiers, criminal and non-criminal arrests, and indictments and

convictions attributed to teams during operations. This system will credit teams for locating high priority aliens, even if those cases require more time to investigate and close.

Field offices are expected to focus not simply on the apprehension of aliens, but also on their removal. Headquarters will evaluate removals in addition to the metrics above. When fugitives are taken into custody, officers should pay attention to lawful avenues to secure the person's travel documents to reduce detention times and facilitate removal.

Field and National Operations

Field offices have the discretion to conduct operations to advance the program's priorities and accomplish the goal of reducing the fugitive pool. Field offices are encouraged to participate in Operation Cross Check and Operation Secure Streets in collaboration with local United States Attorney's offices. These operations are important as they identify criminal aliens who fall within the three tiers above. Field offices also will be called on to participate in national and strategic headquarters-driven operations. Major operations, whether driven by the field or headquarters, will be coordinated with the Office of the Principal Legal Advisor.

Building Partnerships

Field Office Directors and team members are encouraged to maintain and build positive relationships with federal, state, local, and tribal law enforcement agencies in their AOR. This includes information sharing, consistent with law and policy. Team members are encouraged to advise, and cooperate with, local law enforcement partners when conducting operations. Field Office Directors will coordinate with any local participants in the task force model of the 287(g) program to share information and avoid duplication of efforts.

Field Office Directors also are expected to build relationships with community groups to identify and address concerns about the conduct of fugitive operations. Allegations of misconduct and wrongdoing are referable to the Joint Intake Center (JIC).

Issue Date: July 23, 2010
Review Date: July 23, 2014



Enforcement and Removal Operations
Fugitive Operations Handbook

Version One

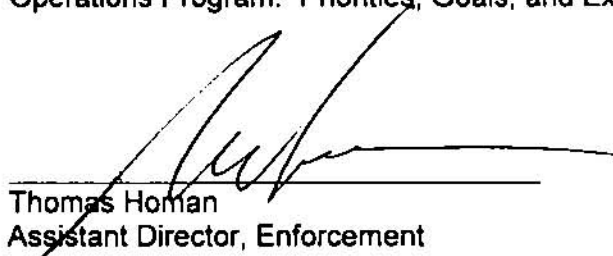
FOREWORD

The Fugitive Operations Handbook compiles, for the first time, all current policies, procedures, and best practices established for the National Fugitive Operations Program within Enforcement and Removal Operations. It takes the place of the long-anticipated, never-issued Chapter 19 of the DRO Policy and Procedure Manual.

This compilation incorporates all current Fugitive Operations-specific processes and procedures, although the memoranda cited in the Handbook may contain more detailed information. The Handbook also includes templates for operational plans and operations worksheets. It is an operational guide for Fugitive Operations Teams.

Previously DRO- or ERO-issued documents that are fugitive operations-specific now take on the status of historical reference material or supplemental information. As a result, all such documents will move from "Current" to "Archived Documents" in the ERO Resource Library. When conducting a search for these documents in the Resource Library, remember to search under "Archived Documents."

Fugitive enforcement is guided by the June 30, 2010, ICE memorandum titled "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens" (ICE Policy Number 10072.1) and the December 8, 2009, ICE memorandum titled, "National Fugitive Operations Program: Priorities, Goals, and Expectations" (ICE Policy Number 11001.1).



Thomas Homan
Assistant Director, Enforcement

Date

7/23/10

Table of Contents

FOREWORD	2
PART 1: Fundamentals of the National Fugitive Operations Program (NFOP).....	5
Introduction	5
Authority.....	5
Responsibilities	6
Priorities.....	6
Training.....	7
PART 2: Fugitive Operations Team (FOT) Casework	8
Lead Development.....	8
Case Management.....	8
Docket Management	8
EARM Update	9
A-File Review	9
Administrative Subpoenas.....	10
Referral to the Law Enforcement Service Center (LESC)	10
Administrative Warrants: NCIC Entry Requirements.....	10
Criminal Warrants: NCIC Entry Requirements	11
Target Folder Creation	12
ICE "Wanted" Posters	12
Fugitives Located while Incarcerated	13
Operational Plans and Requirements.....	13
Juveniles	13
Field Office-initiated Op Plans	13
HQ-initiated Op Plans.....	14
PART 3: Conducting Operations	15
Surveillance	15
GPS Tracking Devices	15
Communications	15
Law Enforcement Identification	15
High-visibility operational environment	15
Low-visibility operational environment	15

Pre-operational briefing	16
Ruses	16
Consent	16
Travel Documents	17
Vehicle Stops and Pursuits	17
Arrests	17
Special Considerations for Arrest	18
Juveniles	18
USC/LPR Juveniles	18
Prosecutorial Discretion	19
Post-Operational Debrief	19
PART 4: Processing Cases	20
Reporting Requirements	20
FCMS	20
Exhausted Leads	21
Special Activities	21
ATD Violations	21
Escapes	21
Fugitive Alien Removal (FAR) Requests	21
Liaison and Task Forces	22
Media	22
Appendices	
Appendix 1: Field Operations Worksheet	23
Appendix 2: Wanted Poster (Sample)	25
Appendix 3: Operational Plan (Sample)	26
Appendix 4 Fugitive Report (DHS Form 59)	34
Appendix 5 Escape Reporting Worksheet	36
Appendix 6 NFOP Acronym List	37

PART 1: Fundamentals of the National Fugitive Operations Program (NFOP)

Introduction

The National Fugitive Operations Program (NFOP) identifies and arrests fugitive aliens, previously removed aliens, criminal aliens at large, and certain other fugitives in the United States. Fugitive aliens are aliens who have failed to comply with a final order of removal, deportation, or exclusion; or who have failed to report or appear as demanded by Immigration and Customs Enforcement (ICE). "Others" may include alien escapees; Alternatives to Detention (ATD) violators; fugitives wanted by other law enforcement agencies or countries; and immigration status violators, among others.

The main goal of the NFOP is the reduction of the national fugitive alien backlog using targeted operations based on the best available intelligence and investigative techniques. Additionally, NFOP assets bolster the integrity of the immigration system by targeting and arresting previously removed aliens who have re-entered the United States in violation of the law. NFOP assets are also utilized to provide security to America's communities by targeting at-large aliens with criminal convictions for arrest and removal.

Authority

Pursuant to Section 287(a)(1) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1357(a)(1), as amended, an ICE officer has the authority, without a warrant, to interrogate any alien or person believed to be an alien as to his right to be or remain in the United States. INA § 287(a)(2) provides the authority to make an arrest of an alien who the officer/agent has reason to believe is in the United States in violation of the immigration laws and is likely to escape before an arrest warrant can be obtained. Further, INA § 287(a)(5) provides authority to make general arrests without a warrant for crimes recognized under federal law, to carry firearms, and to execute and serve any order, warrant, subpoena, summons, or other process issued under authority of the United States.

To detain an individual for further questioning, the ICE officer must have reasonable suspicion that the individual:

- Committed a crime, or
- Is unlawfully present in the United States, or
- Is an alien with status who is either inadmissible or removable, or
- Is a non-immigrant required to provide truthful information to DHS personnel upon demand (see 8 CFR 214.1(f)).

Responsibilities

Deputy Assistant Director (DAD), Compliance Enforcement Division. Oversees NFOP, including the HQ Fugitive Operations Unit (FOU) and the Fugitive Operations Support Center (FOSC).

Chief, Fugitive Operations Unit. Leads NFOP; serves as main point of contact for all queries about the NFOP from higher level management and the Field Office Directors. Interprets directives of ICE upper management, DHS, Congress, and the Executive Branch and monitors field implementation and reporting of statistical data. Determines geographic locations of Fugitive Operations Teams (FOTs) nationwide.

Chief, Fugitive Operations Support Center (FOSC). Manages and directs the FOSC. Develops leads and analyzes data from multiple sources to support FOT enforcement operations; reviews and updates fugitive cases in the ENFORCE Alien Removal Module (EARM). Reports on the nature and characteristics of the fugitive backlog. Manages the Cold Case docket and is the system owner for the Fugitive Case Management System (FCMS).

Field Office Director (FOD). Oversees local implementation of Fugitive Operations-related policy. Meets NFOP performance goals. Sets policy on rotation and placement of FOT members (FOT locations are determined at headquarters). Fully staffs FOT positions; uses NFOP resources and funding solely to advance the NFOP mission.

Assistant Field Office Director (AFOD). Provides guidance and oversight to FOT SDDOs. Briefs FOD on FOT operations and concerns. During HQ-driven operations, is the main point of contact with the NFOP.

FOT Supervisor. Plans and implements team operations based on guidance and goals set by the NFOP and the FOD. Addresses administrative issues concerning FOT, including performance evaluations, training, leave, and disciplinary actions. Reviews and monitors all FOT processing work: Field Operations Worksheets (FOWs), Enforcement Case Tracking System (ENFORCE), Enforce Alien Removal Module (EARM), Alien-Files (A-Files), and Target Folders. Communicates and monitors compliance with the most recent processing guidance. Provides on-site leadership both in the field and in the office.

Fugitive Operations Team (FOT). Comprised of one Supervisory Detention and Deportation Officer (SDDO), four Deportation Officers (DOs), one Immigration Enforcement Agent (IEA), and one Detention and Removal Assistant (DRA), conducts enforcement activities based on the policies set by the NFOP and the FOD.

Priorities

The FOT Supervisor assigns cases for review and preparation based on the priorities established under "Enforcement Priorities" in the ICE memorandum, "National Fugitive Operations Program: Priorities, Goals, and Expectations," dated December 8, 2009, in descending order of priority, as follows:

Tier 1 Fugitives aliens

I. Who pose a threat to national security

- II. Convicted of violent crimes or who otherwise pose a threat to the community
- III. With a criminal conviction of other than a violent crime
- IV. With no criminal conviction.

Tier 2 Previously removed aliens

- I. Who pose a threat to national security
- II. Convicted of violent crimes or who otherwise pose a threat to the community
- III. With a criminal conviction of other than a violent crime
- IV. With no criminal conviction

Tier 3 Removable aliens convicted of crimes

- I. Aliens convicted of Level 1 offenses, as defined for purpose of Secure Communities.
- II. Aliens convicted of Level 2 offenses, as defined for purpose of Secure Communities.
- III. Aliens convicted of Level 3 offenses, as defined for purpose of Secure Communities.

For details, see the above-mentioned ICE NFOP memorandum. As priorities may change rapidly, FOT Supervisors should maintain an open dialogue with the NFOP to remain current.

Training

ICE officers participating in fugitive operations must have successfully completed basic immigration law enforcement training (see 8 CFR 287.1(g)).

All Fugitive Operations Team (FOT) members must successfully complete the Fugitive Operations Training Program (FOTP) within two years of assignment to a FOT, or as soon as the training schedule permits. FOT members must obtain and maintain current certifications in Basic First Aid and Cardiopulmonary Resuscitation. FOT Supervisors will provide all officers participating in a fugitive operation with a copy of this handbook. FOT Supervisors will also provide the Senior Field Training Officer with a signed acknowledgment of receipt of this handbook from each permanently assigned FOT member. The Senior Field Training Officer will add these receipts to the officers' training files.

FOTs will receive Fourth Amendment training approved by the ICE Office of Principal Legal Advisor every six months.

FOT Officers are required to attend and pass all quarterly firearms and tactical qualifications consistent with the ICE Firearms Policy and the ICE Use of Force Policy.

Since officers carry different models of firearms, all team members should familiarize themselves with the weapons carried by other team members. For this reason, a second day of Advanced Firearms Training Exercises is considered a best practice to be adopted by the field offices. FOT Supervisors will work closely with the SFTOs to identify training that will improve the skill sets of FOT members, such as officer survival, emergency medical procedures, defensive tactics, and response coordination.

PART 2: Fugitive Operations Team (FOT) Casework

Lead Development

NFOP cases may come from docket management, leads from the Fugitive Operations Support Center (FOSC); the ICE Tip Line (888-DHS-2ICE); INTERPOL; and other FOTs. DHS entities, and law enforcement agencies (LEAs).

Once a case or investigative lead is identified as an NFOP case, it belongs with the FOT with geographical jurisdiction. The originating office will officially transfer the A-file, T-File(s), and Work Folder(s) through the National File Tracking System (NFTS) to the responsible FOT Supervisor. The originating office will then forward these files and folder(s) along with the Target Folder and any other lead information to the FOT.

FOTs may also develop leads for criminal aliens by working with probation and parole offices in their AOR. Consistent with local policy, FOTs may take an active role in the apprehension of criminal violators as identified by CIS Fraud Detection and National Security Units. (For background and clarification on this issue, see the memoranda "Benefits Fraud Units Transfer Of Criminal Alien Referrals from Office of Investigation to Office of Enforcement and Removal Operations" and "Charging Document Issuance and Processing by Enforcement and Removal Operations of Citizenship and Immigration Services Referral Cases," respectively dated April 8, 2005, and October 30, 2006.)

FOTs should use open sources such as television¹, newspaper, and other media outlets that profile wanted individuals to identify and build Target Folders for high-priority fugitive aliens. However, NFOP must review and approve the target folder based on those sources before the FOT conducts an operation involving a high-priority fugitive.

ICE ERO does not have a confidential informant policy or training program established. FOT members can however use other tools to develop sources of information. An FOT Officer, with an FOT Supervisor's approval, may consider the use of prosecutorial discretion, or one of the variety of Alternatives to Detention as a possible means to continue an individual's productive cooperation.

Before making the decision to exercise prosecutorial discretion, the FOT Officer and Supervisor must carefully review the criminal background and the totality of the circumstances that surround the Subject.

The FOD should always be informed and consulted before anyone is given an incentive to provide information as described above.

Case Management

Docket Management

The FOT Supervisor should divide the cases among the team in a fair and intelligent manner. Docket management includes the careful review of cases on each fugitive docket. This will lead to a systematic review and proper vetting of all cases.

¹ Television programs such as Fox Networks "America's Most Wanted"

Proper docket management allows the FOD and FOT Supervisor to track progress made in reducing the fugitive backlog and make adjustments as needed. It also reduces the chances of unnecessary duplication of work. Fugitive cases in each AOR can be identified through EARM as well as with the assistance of the FOSC.

EARM Update

(b)(7)(E)

A-File Review

FOT members will:

- Verify NFOP case status by conducting **mandatory** checks of the following databases:
 - EARM
 - Central Index System (CIS)
 - (b)(7)(E)
 - Computer Linked Application Information Management System (CLAIMS)
 - Board of Immigration Appeals (BIA)
 - National Crime Information Center (NCIC).
- Avoid conflict with other law enforcement investigations by conducting **mandatory** checks of (b)(7)(E) and state and local databases. FOTs should also liaise with local task forces such as the High Intensity Drug Trafficking Areas (HIDTA) Task Force, which may maintain a local deconfliction database.

(b)(7)(E)

- If the fugitive appears to reside outside of the FOT's AOR, update EARM. Establish contact with the FOT with jurisdiction over the apparent new location to request a field investigation. If the alien is located in that jurisdiction, forward the case documents and information to that FOT, following the procedures for case assignment.

Administrative Subpoenas

FOT members use Immigration Enforcement Subpoenas (DHS Form I-138) to compel the appearance and testimony of witnesses and the production of books, papers, and documents, consistent with 8 C.F.R. 287.4.

The NFOP collects data on subpoenas from all field offices, including the number of immigration subpoenas requested, the number issued, and the number served. Each FOD must submit these statistics to the (b)(7)(E) FUGOPS by the close of business each Friday.

Referral to the Law Enforcement Service Center (LESC)

By tapping the resources of other law enforcement agencies to help identify, locate, and arrest fugitives, NCIC acts as a force multiplier. Placing fugitive cases into NCIC via the LESL increases the probability of arrest, providing a service to ICE and the community.

Administrative Warrants: NCIC Entry Requirements

Timely submission of data is key to the effective working of the system. The DRO memorandum, "Placement of Fugitive Cases into the National Crime Information Center's Immigration Violator File," dated August 28, 2005, sets the goal for submission into NCIC at 120 days after the date the final order was issued.

1. Assigned ERO personnel will review the A-File and run all relevant checks to determine the viability of locating the subject.

- a. If you do not find a viable address, confirm that the file contains:

- -
 -
 -
 -
- (b)(7)(E)

- b. Update the EARM Case Comments box under the Comments tab. Sample comments include:

- "Case reviewed by [Field Office Name] Fugitive Operations. No leads found. Information forwarded to LESL for input into NCIC."
- "Case reviewed by [Field Office Name] Fugitive Operations. Target Folder created. Information forwarded to LESL for input into NCIC."
- "[Date], Attempted to locate Subject at [Street Address], [City, State]."
- "[Date], Contacted grandmother [time] at [phone number]. She will bring passport to ERO office at [time]."

- "Negative Contact. No further leads. Information forwarded to LESC for input into NCIC."
- c. Present the A-File to the appropriate mission support personnel, referred to in this Handbook as the Detention Removal Assistant (DRA).
2. Using a color scanner, the DRA will scan the following documents in portable document format (pdf), with a minimum resolution of 600 dots per inch (dpi):

-
 -
 -
 -
 -

(b)(7)(E)
 3. The DRA will name the pdf document with the Alien number of the Subject (i.e., "A00 000 000 LAST NAME, First Name.pdf"). Save a copy of the pdf file to the local share drive in the folder designated by the FOT Supervisor.
 4. The DRA will then create an e-mail with a Subject line that reads "NCIC: A00 000 000, LAST NAME, First Name" and attach the scanned documents relating to that Subject. The body of the e-mail should read: "Please accept the attached documents that relate to the Subject referenced in the subject line of this e-mail for input into NCIC."
 5. The DRA will send the e-mail to (b)(7)(E) with a courtesy copy to the responsible docket officer; and place a copy of the e-mail in the A-file for recordkeeping.

Criminal Warrants: NCIC Entry Requirements

Criminal Warrant NCIC entries must include:

- A copy of the criminal Warrant for Arrest issued by a U.S. District or Magistrate Court, signed by either the Federal District Court Judge, a Magistrate, or other court official.
 - A DHS Form 59, Fugitive Report (see Appendix 4), which must include:
 - All pertinent information, including but not limited to the mandatory blocks highlighted in red, and;
 - The signature of the case officer and the approving SAIC/RAIC/FOD.
 - For an aggravated felon, criminal history documents such as judgment and conviction records providing sentencing information, qualifying the offense as an aggravated felony; and
 - Supporting documentation such as copies of the criminal complaint, indictment, photo, or fingerprints, if available.
1. Scan the Criminal Warrant, DHS Form 59, and the supporting documents.

Fugitives Located while Incarcerated

If a fugitive is located while incarcerated, file an immigration detainer with the detention facility (I-247) and prepare an I-213. Change the case category in EARM to reflect that the individual is no longer a fugitive (Case Category 5B to 3, 8E to 8C, 8I to 8G). Update EARM screens accordingly.

For statistical purposes, update the Fugitive Case Management System (FCMS) to read "Located/Detainer (I-247 Lodged)." The FOT member lodging the detainer will then refer the case to the field office section that processes detention releases and detainees.

Operational Plans and Requirements

If the FOT's activities will extend beyond the normal scope of daily operations, prepare an NFOP Operational Plan (Op Plan) (see [Appendix 3](#)). Op Plans are required for operations including, but not limited to, those involving the arrest of a large number of targets or specific target groups; those expected to attract media attention; and those extending beyond the geographical boundaries of the FOT's Area of Responsibility (AOR). Op Plans can originate at either the Field Office or headquarters.

Note: Both HQ- and FOD-approved Operations have special statistical reporting requirements. FOT Supervisors coordinate with their assigned HQ NFOP staff officer and, if needed, the FOISC, to meet these requirements.

Juveniles

As with other aspects of operational casework, preparation can solve or at least mitigate many problems. Preparatory planning for every operation should include the possibility that the FOT will encounter a juvenile, i.e., a child under the age of eighteen. Determine the local child protective services (CPS) protocol for referring children.

Involve the Field Office Juvenile Coordinator in the planning process when:

- Surveillance, file review, or any other activity leads you to expect a juvenile encounter during a particular operation; and
- The operation will be large scale.

If it appears that the juvenile(s) involved is a lawful permanent resident (LPR) or U.S. citizen (USC), contact CPS.

Field Office-initiated Op Plans

Use a Field Office-initiated Op Plan when:

- Conceived and driven at the local level;
- Taking place within the field office's AOR; and
- Targeting 10 or more NFOP cases per team per day.

Request the current NFOP Op Plan template and Target List template from your assigned NFOP staff officer.

The FOT Supervisor selects the approved enforcement initiative title (i.e., Cross Check, Return to Sender, Secure Streets, Media Ride-along, etc.) and forwards the Op Plan to the FOD for signature. The FOD returns the signed plan to the FOT Supervisor, who then forwards a copy to the Detention Operations Coordination Center (DOCC) mailbox, DOCC, and NFOP. DOCC notification must occur at least two weeks before the operation whether or not logistical assistance is sought.

At least seven business days before the operation, the FOT will notify NFOP of DOCC's response.

NFOP will notify the FOT of concurrence with the Op Plan.

HQ-initiated Op Plans

An HQ-approved Op Plan is required when:

- Targeted enforcement action(s) will extend beyond a field office's AOR; or
- A target or target list expected to draw significant media or departmental attention, including operations concerning sensitive targets, public officials, political candidates, or religious or political organizations, or requests made by foreign governments; or
- HQ NFOP initiates the enforcement action.

The FOT Supervisor will use the HQ-approved NFOP Operational Plan template and Target List template to generate the Op Plan.

In the case of an HQ NFOP-initiated enforcement action, the Op Plan may be generated from headquarters and sent to the FOT. The FOT Supervisor will prepare or update an Op Plan with guidance from HQ NFOP and forward the Op Plan to the FOD for signature. The FOD will return the signed plan to the FOT Supervisor, who will then forward a scanned copy to the DOCC and to (b)(7)(E) DOCC notification must occur at least two weeks before the operation whether or not logistical assistance is sought.

At least seven business days before the operation, the FOT will notify NFOP of DOCC's response.

NFOP will notify the FOT of approval of the Op Plan.

PART 3: Conducting Operations

(b)(7)(E)

Whenever your weapon is visible, your ICE badge must be visible. This means you must either wear the ICE badge on a chain/lanyard around your neck (recommended) or clipped to your belt, in plain sight--unobstructed by any clothing.

Pre-operational briefing

An operational briefing will precede every enforcement action, absent exigent circumstances. Representatives from other LEAs involved in the operation should participate in the briefing.

The briefing will cover information in the target folder, including the type of warrant being executed (administrative arrest, criminal search, or criminal arrest). Explaining the scope of an ICE administrative warrant is particularly important for officers from other LEAs with limited or no experience participating in ICE administrative arrests.

During the briefing any other operational concerns will be addressed, to include medical, communications, and equipment issues.

Ruses

(b)(7)(E)

Consent

Because neither a Warrant for Arrest of Alien (I-200) nor an administrative Warrant of Removal (I-205) authorizes you to enter the subject's residence or anywhere else affording a reasonable expectation of privacy, you must obtain voluntary consent before entering a residence. You may not coerce consent. (See "Documentation of Consent in Enter and Search," dated January 19, 2010.)

Consent is involuntary when it is the product of coercion or threat, express or implied. Other factors affecting voluntariness include: an officer's claim or show of authority, prior illegal government action, mental or emotional state of the person, cooperation or lack thereof, and custody. Officers need not advise the subject that consent may be refused, although whether such an advisory is given is a factor in determining the voluntariness of the consent. Do not

enter, search, or remain inside a residence without the consent of a person with apparent authority, who is at least 18 years of age.

When you request and receive consent, use the FOW to record the name of the person giving consent, the time and scope of the consent, and other relevant factors, such as the names of witnesses to the granting of consent. Also record the time you complete the search.

If an arrest is made, provide the consent information in the arrest narrative of the I-213, including the names of any witnesses to the consent.

If consent is denied, document the denial in the FOW, noting that the FOT departed without entering the residence. Likewise, if the FOT must leave the residence because consent is withdrawn before any FOT member sees the target, note the time consent was withdrawn on the FOW.

Travel Documents

Try to obtain a travel document and birth certificate at the time of arrest. If not in plain view or on the alien's person, request consent to search in areas where documents may be found. Verbal consent in the presence of at least one other LEO is acceptable.

Vehicle Stops and Pursuits

FOT members who have completed FLETC vehicle stop training may conduct vehicle stops. Vehicles used to perform these stops must have emergency equipment in compliance with state laws.

Do not follow a target who fails to pull over. ERO law enforcement officers are not authorized to engage in vehicular pursuits.

Arrests

(b)(7)(E)

Special Considerations for Arrest

Upon arrest, ask the Subject at least these questions:

- Do you have any medical issues or concerns?
 - If so, do you have medication or an assistive device to take with you?
- Do you have any children or other custodial responsibilities?
 - If so, are you the sole caregiver?
- Do you have a travel document?

Juveniles

Upon encountering a juvenile, the FOT Supervisor or team leader will contact the Field Office Juvenile Coordinator (if not already on-site) for guidance. Regardless of the juvenile's citizenship, the FOT Supervisor or team leader will carefully weigh the circumstances of the encounter in deciding whether to exercise prosecutorial discretion. Discretionary release options include placing the custodial parent(s) or guardian(s) in the Alternatives to Detention (ATD) program; releasing on bond, Order of Recognizance, Order of Supervision, etc.

If uncertain about whether the young person in question is in fact a juvenile, refer the case to the Field Office Juvenile Coordinator.

In every case:

- Identify the parent(s), family member(s), or legal guardian(s) of each juvenile you encounter during an operation—regardless of the juvenile's citizenship. Document all actions taken.
- Obtain complete biographical information of everyone involved, including witnesses. Document this information on case-related forms (e.g., the I-213 and G-166) and databases (e.g., the Case Comments box under the Comments tab in EARM).
- Separate juveniles and family units from unrelated adults (*Flores settlement agreement*).

USC/LPR Juveniles

If the fugitive alien parent or legal guardian asks that you release the USC/LPR juvenile to a specified **third party**, facilitate contact between the fugitive alien and the third party.

- Document the request—preferably in the fugitive alien's own handwriting.
- Verify the identity of the third party through government issued identity cards before releasing the USC/LPR juvenile into that person's care.

If the parent or legal guardian is subject to **mandatory detention** and the parent/legal guardian does not specify a custodial third party, contact CPS to arrange suitable placement of the USC/LPR juvenile.

- Seek guidance from the FOD if local CPS is unresponsive. It may be necessary to coordinate with local law enforcement to complete the transfer.
- If necessary, document the inability of local CPS to take timely custody of the juvenile in memorandum format.
- If the juvenile or any proposed third party caregiver is known or suspected to be involved in criminal activity (for example, trafficking), contact local law enforcement and/or CPS to review the suitability of placement decisions.
- Forward copies of relevant documents to local CPS for further processing.

Prosecutorial Discretion

As a rule, FOT members will not take into custody aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing, or the sole caretaker(s) of children or the infirm (see ICE NFOP memorandum dated December 8, 2009). FOT members may exercise discretion within the limits of agency authority and are expected to do so in a judicious manner throughout the enforcement process.

For more information on prosecutorial discretion, see ICE memorandum, "Prosecutorial and Custody Discretion," dated November 7, 2007.

Post-Operational Debrief

The FOT Supervisor should hold a debriefing session after the enforcement action to address safety issues and evaluate the operation.

PART 4: Processing Cases

FOTs will follow standard processing procedures for the removal of an alien with a final order (see the CAP/FUGOPS Quick Reference Processing Guide at <http://tinyurl.com/2faphzb>). FOT Supervisors are responsible for implementing any superseding or additional guidance sent out by the NFOP.

Officers will also update FCMS and EARM with criminal activity, case category changes, and case actions. Concisely note the arrest and any special circumstances surrounding the case in the Case Comments box under the Comments tab. If an A-file has to be requested from the National Records Center or another field office, the processing FOT officer will make the request and document it in the A- or T-file and EARM.

Review cases for prosecutability. Present amenable cases to the Assistant U.S. Attorney or refer them to the Violent Criminal Alien Section (VCAS) unit or prosecution officer. An officer will establish a case in (b)(7)(C) and complete a Report of Investigation (ROI). See the (b)(7)(E) Case Management User Guide.

When transferring a case to the detained docket, provide the travel document and birth certificate, if available, and, from the target folder copies of the signed I-205, final order of removal and BIA decisions and any judicial decisions on removal.

Do not place FOWs or investigative paperwork in the A-file. The Field Office must maintain Target Folders indefinitely, pending further guidance.

Reporting Requirements

FCMS

Enter daily enforcement activities into FCMS as they occur, but no later than midnight Friday, as follows:

- **Arrest:** If applicable, select "Arrest" from the "Action" drop-down menu.
- **Located/Detainer (I-247 Lodged):** Select "Located/Detainer (I-247 Lodged)" from the "Action" drop-down menu after locating and placing a detainer on an individual detained by another agency.
- **Case Category Changed:** If the fugitive case category (5B, 8E, or 8I) is no longer appropriate, select "Case Category Changed" from the "Action" drop-down menu.
- **Case Closure:** If the alien is no longer a fugitive and the case should be closed, select "Case Closure – Self Removal," "Case Closure – Deceased," "Case Closure – Benefits REC'D," or "Case Closure – Removed" from the "Action" drop-down menu.

Exhausted Leads

If all leads are exhausted, as confirmed by the Fugitive Alien Cold Case checklist, generate a Report of Investigation (Form G-166C) and give it to the FOT Supervisor for review. The FOT Supervisor will review the G-166C to verify that all investigative leads have been pursued.

NFOP has initiated a process for handling cold cases (see DRO memorandum, "Designation of Cold Case Fugitive Files," dated September 4, 2009). For information on this program, contact your FOSC staff officer.

Special Activities

ATD Violations

The FOT Supervisor should work closely with the Field Office's ATD unit to establish a local plan of action for an ATD violation.

ATD violations are often well-planned events that require immediate action to recover an ATD violator. Therefore, open communication between the FOT and ATD is crucial. The likelihood of recovery decreases substantially as the time between violation and referral to the FOT increases.

The ATD program has an established reporting procedure for ATD violations different from escapes. The ATD officer takes the lead on reporting unless the FOD decides otherwise.

Escapes

In the event of an escape, the FOT Supervisor will be the officer in charge of the escape investigation. The FOT will be responsible for the investigation, tracking, and locating of the escapee. A number of very specific reporting actions need to take place in the event of an escape (see DRO memoranda, "Escape Reporting," dated July 14, 2006; and "Standard Operating Procedure, Escapes and Releases," dated December 11, 2006).

Complete and fax an Escape Worksheet (see Appendix 5) to the HQ ERO Detention Management Division within 24 hours of the escape.

Fugitive Alien Removal (FAR) Requests

A FAR request concerns an international fugitive who has an outstanding Criminal Arrest Warrant issued under the authority of the criminal justice system in the country where the criminal activity took place, provided:

- the international fugitive's crime is also considered a crime within the United States;
- the requesting government has provided evidence of the existence of the arrest warrant through official correspondence such as the issuance of an INTERPOL Red Notice; INTERPOL Diffusion message; or actual, translated copy of the warrant; and

- the requesting government has agreed to expeditious issuance of travel documents to facilitate the target's return, if necessary.

When (b)(7)(E) issues a FAR request (Red Notice, Diffusion Message, or Special Notice) for an international fugitive believed to be in the United States, NFOP will alert the FOT Supervisor with jurisdiction.

Liaison and Task Forces

FOT members are encouraged to interact with other law enforcement agencies, task forces, and non-governmental organizations to foster cooperative relationships. Officers may, with approval from the FOD, serve on law enforcement task forces that share common goals with the NFOP and contribute to the ERO mission as a force multiplier. See the "Building Partnerships" section of ICE Directive 11001.1.

Media

Do not interact with media representatives. Refer media inquiries to the FOD, who will coordinate with the ICE Office of Public Affairs.

Refer requests for "ride-alongs" to the FOD, who will coordinate with the Public Affairs Office, and HQ NFOP. The FOT Supervisor will submit an operational plan and target list to the FOD and HQ NFOP.

Enforcement and Removal Operations
Field Operations Worksheet



U.S. Immigration
and Customs
Enforcement

(b)(7)(E)

Appendix 1: Field Operations Worksheet

SITUATION / MISSION / INVESTIGATIVE LEADS
EQUIPMENT / CLOTHING

Team:		Officer/Agency:		Officer/Agency:	
		Officer/Agency:		Officer/Agency:	
		Officer/Agency:		Officer/Agency:	
Team:		Officer/Agency:		Officer/Agency:	
		Officer/Agency:		Officer/Agency:	
		Officer/Agency:		Officer/Agency:	

COMMUNICATIONS			
Type:	Channel:	Frequency:	Team/Individual:

LAW ENFORCEMENT NOTIFICATION AND CASE DECONFLICTED (SQ11/SQAD IN TECS)			
Agency:	Name:	Telephone:	
Agency:	Name:	Telephone:	
Agency:	Name:	Telephone:	

EMERGENCY MEDICAL SERVICES/TRAUMA CENTER			
Name:		Telephone:	
Location:			
Name:		Telephone:	
Location:			

Date of Operation:	Time of Operation:	Justification for After Hours Operation:	
Supervisory Concurrence		FOD/DFOD/AFOD Approval	
CONSENT	Name of Consent Provider:	Scope of Consent:	Time Consent Granted:
CONSENT	Witness to Consent:	Time Search Completed:	Time If Consent is Withdrawn:
RESULTS	Date of Arrest:	Location of Arrest:	Additional Information:

U.S. Department of Homeland Security
Immigration and Customs Enforcement (ICE)
Field Office



WANTED



For Immediate Arrest and Deportation

(b)(7)(E)

Graham v. Connor, 490 U.S. 386 (1989)

This case arose after Graham, a diabetic, filed a lawsuit alleging excessive force after he suffered multiple injuries during an investigatory stop initiated by Officer Connor of the Charlotte, NC, Police Department. The United States Supreme Court held that claims of excessive force arising during the course of an arrest, investigatory stop or other seizure of a person, invoke Fourth Amendment protections that are to be evaluated pursuant to its “reasonableness” standard. The Court stated that the correct application of that standard “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” The reasonableness of any force that is used should be assessed from the perspective of a reasonable officer on the scene and should recognize that officers “are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” The critical inquiry is whether the actions of the law enforcement officers are “objectively reasonable” in view of the totality of the facts and circumstances they encounter. Because the Fourth Circuit Court of Appeals had applied the wrong standard in resolving Graham’s excessive force claim, the appellate court’s decision was vacated and the case was remanded for reconsideration under the appropriate constitutional standard.

Legal and Policy Based Instruction for ERO Field Operations

Using the Course

This course consists of two scenario lessons: **Admin Warrant** and **Fugitive Alien Removal**. To access either of the lessons, click the link on the course home page.

Once you begin a lesson scenario, a list of topics will appear in the navigation pane at screen left. The training will auto-advance through each topic, beginning with an introduction to the National Fugitive Operations Program (NFOP). The lesson topics are presented sequentially, following the list in the navigation pane, throughout the scenario.

After completing the course for the first time, you may click any of the topics at any time to go directly to that section of the training, or use the **Previous** and **Next** buttons to move forward or back through the lesson. This is a good way to go back and review specific information if needed.

Teaching Points

Throughout the scenarios, instructors provide detailed information about the various topics. For review, you can access the instructor presentations by selecting the **Teaching Points** icon. The presentations are listed by topic for each of the scenarios.

More Info

At various times throughout the lesson, supplemental information for a particular topic will appear in the form of a **More Info** pop-up. The first time you go through the course, these pop-ups will appear automatically. Once you read the information contained in the pop-up window, click the close button to return to the scenario. If you are taking the course as refresher training or to review particular sections of the Legal and Policy Based Instruction, the pop-ups will only appear as a flashing **More Info** button in the lower right corner of the screen. It is in your best interest to pay close attention to these pop-ups as they may be addressed in test questions.

Lesson Resources

As with the **More Info** button, a **Lesson Resources** button will appear at various times throughout the lessons. For particular topics there will be additional resources that you are

required to read and understand prior to taking the course quiz. When the **Lesson Resources** button appears, click on it to open a menu of supplemental documents that are required for full understanding of the lesson topics. Some examples of items included as Lesson Resources are case law summaries, Immigration Law Handbook, ICE policies, forms, etc.

Only the resources applicable to the current lesson topic appear in the menu accessed from the **Lesson Resources** button. If you want to access a comprehensive list of all lesson resources for the course, select the **Toolbox** icon to open a menu listing all resource items.

Toolbox

Select the **Toolbox** icon to open a menu containing a comprehensive list of all resource materials for the course. The information in the toolbox is categorized by type. Select the type of resource you want to see and then choose the specific item. The resources are presented as PDF, Microsoft Word, or PowerPoint files.

FAQ

If you have specific questions about any topic in this course, submit an inquiry using the DRO CDTU Training Feedback feature. From the course home page, select **FAQ** and email your question. If you need additional assistance, please contact the ICE Service Desk at 1-888-347-7762 or submit a web ticket at

(b)(7)(E)

Disclaimer

Any reference to Chapter 19 should be regarded as historical in nature. All memoranda and documents relating to Chapter 19 are archived and have been superseded by the Fugitive Operations Handbook.

HOT PURSUIT

Warden v. Hayden, 387 U.S. 294, 298-99 (1967)

After the armed robbery of a cab company in Baltimore, the suspect was followed by two cabbies to a residence. That information was relayed to the police, along a description of the suspect and clothing he was wearing. After arriving at the scene, police officers knocked and were admitted by Hayden's wife. Hayden was located in a bedroom as he pretended to sleep. Various items of evidence, including two firearms, a clip of ammunition and clothing matching the description given by the cab drivers, was seized. Based upon the exigencies of the situation, the Supreme Court upheld the validity of warrantless entry and search. The officers were found to have "acted reasonably when they entered the house and began to search for a man of the description they had been given and for weapons which he had used in the robbery or might use against them." The Court stated that "[t]he Fourth Amendment does not require police officers to delay in the course of an investigation if to do so would gravely endanger their lives or the lives of others."

United States v. Santana, 427 U.S. 38, 42-43 (1976)

Following an undercover purchase of heroin, police officers went to "Mom" Santana's house since it was believed seller had obtained the drugs there and that Santana had the money used in the transaction. When the officers pulled up she was standing in the doorway but ran into the house. The officers pursued her through the open door and took her into custody. Some of the marked cash, as well as additional drugs, were seized. The Supreme Court concluded that this was a situation "involving a true 'hot pursuit'" since the warrantless entry was necessary to prevent the possible destruction of evidence. "[A] suspect may not defeat an arrest which has been set in motion in a public place, . . . , by the expedient of escaping to a private place."

Welsh v. Wisconsin, 466 U.S. 740, 753 (1984)

A witness saw a vehicle being operated in an extremely erratic manner before it came to a stop in an open field. The driver walked away from the scene before the police arrived. Learning that the car was registered to Welsh and that his residence was a short distance away, officers went to his house, gained entry and, finding him in bed, arrested him for driving under the influence, a nonjailable traffic offense that constituted only a civil violation. The Supreme Court found "that an important factor to be considered when determining whether any exigency exists is the gravity of the underlying offense for which the arrest is being made. Moreover, although no exigency is created simply because there is probable cause to believe that a serious crime has been committed, . . . , application of the exigent-circumstances exception in the context of a home entry should rarely be sanctioned when there is

probable cause to believe that only a minor offense, such as the kind at issue in this case, has been committed."

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ICE Policy System

**OFFICE OF PRIMARY INTEREST: Director of Operations (National Firearms and
Tactical Training Unit)**

DISTRIBUTION:	ICE
DIRECTIVE NO.:	70001.1
ISSUE DATE:	02/04/2005
EFFECTIVE DATE:	02/04/2005
REVIEW DATE:	02/04/2008
SUPERSEDES:	see section 3

DIRECTIVE TITLE: ICE Body Armor Policy

- 1. PURPOSE and SCOPE.** To establish the U.S. Immigration and Customs Enforcement (ICE) policy for the use of personal protective soft body armor (body armor) and identify related management and employee responsibilities. This directive applies to all components of ICE with armed officers.
- 2. AUTHORITIES/REFERENCES.**
 - 2.1. Statutory and Regulatory Authority**

8 USC 1103
 - 2.2. ICE Policy**

Interim ICE Firearms Policy (July 7, 2004)

Interim ICE Use of Force Policy (July 7, 2004)
 - 2.3 National Institute of Justice Reference Documents**

Ballistic Resistance of Personal Body Armor (NIJ Standard 0101-03 and 0101-04 and amendments)

Selection and Application Guide to Personal Body Armor (NIJ Guide 100-01 and 100-98, and amendments)
- 3. SUPERSEDED/CANCELLED POLICY/SUMMARY OF CHANGES.**

This directive supersedes previous legacy policies, issuances and previously recognized processes for soft body armor for all ICE offices with armed officers.

4. DEFINITIONS.

4.1.

4.2.

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5. POLICY.

- 5.1. All ICE employees authorized to carry firearms as a condition of employment shall be issued protective body armor. New employees will be fitted for body armor during their initial training at the Federal Law Enforcement Training Center (FLETC) or as specified by ICE. Replacement of expired or damaged body armor in the field shall be coordinated with the designated official for that operational component, most often the Senior Firearms Instructor (SFI).

5.2.

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- 5.3. All ICE armed officers are strongly encouraged to wear their issued body armor while performing law enforcement duties. When not being worn, body armor should be readily accessible in the vehicle or building where the officer is working. When away from the vehicle or building, the ICE armed officer does not have to carry the body armor, unless instructed by a supervisor.

- 5.4. All Federal Protective Service (FPS) armed uniformed officers shall wear their issued body armor while in the performance of their law enforcement duties. When in a non-uniform status or not being worn, body armor should be readily accessible in the vehicle or building where the officer is working. When away

- 6.5. Supervisors are responsible for ensuring that all personnel issued body armor comply with the mandatory requirements for wearing body armor specified in the Procedures Section of this policy.
- 6.6. ICE officers are responsible for the proper care and inspection of the issued body armor in accordance with the manufacturer's recommendations and ballistic panel labeling.
- 6.7. ICE officers are required to attend, participate and complete all mandated body armor training as required by ICE and/or their operational component.

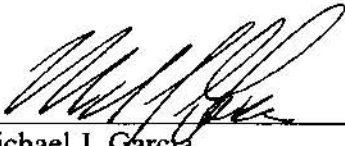
7. PROCEDURES.

- 7.1. The NFTTU will develop standard operating procedures to be used for the selection, procurement, issuance, accountability, replacement and disposal of all ICE-owned and issued body armor.
- 7.2. The NFTTU shall maintain the national inventory system for body armor. Unless otherwise identified by the NFTTU, the Firearms Inventory System (FIS) module in the Automated Management Information System is the national inventory system and will be the official system of record for the accountability, transfer and inventory of all ICE body armor.
- 7.3. The officer to whom the body armor is issued is responsible for electronically accepting it in the designated automated inventory system. Body armor should not be documented on any other ICE property record document other than for exigent circumstances and only as an interim hand receipt until FIS can be properly updated by the responsible officer(s).
- 7.4. A 100 percent body armor inventory shall be performed annually by all employees issued body armor in FIS. Responsible officials (supervisory personnel) shall ensure that the employees complete their annual inventory and verification process in FIS within 30 days of notification of the initiation of the inventory process. Employees who fail to complete their inventory and verifications within the specified 30 days may be subject to disciplinary action.
- 7.5. In the event that body armor is lost or stolen, it must be reported to the NFTTU via facsimile (814-946-9995) and FIS within 48 hours of discovery by the employee to whom it was issued. This FIS reporting requirement does not preclude any other reporting requirement(s) mandated by any other ICE policy or procedure. The stolen body armor information, with serial number, shall also be entered into the National Crime Information Center (NCIC) database.

- 7.6.** The wearing of body armor by ICE armed officers is mandatory during the following activities:
- 7.6.1.** Special Response Team (SRT) deployments when officers are part of an arrest, or operate as an entry or perimeter element;
 - 7.6.2.** Executing arrests in pre-planned situations. ICE officers working in an undercover capacity, or in support of another officer working in an undercover capacity, may be exempted from the requirement of wearing body armor stated in this section, if the wearing of the body armor presents a danger of being exposed as a law enforcement officer. This exemption pertains to officers who will be working in close proximity to violators and who may identify the officer as a law enforcement officer by noticing the body armor. In all cases, the exemption must be approved by a first-line supervisor prior to the operation;
 - 7.6.3.** Execution of high-risk search warrants until the premises are secured and cleared or at the discretion of the first-line supervisor;
 - 7.6.4.** Apprehension phases of air and marine interdiction operations;
 - 7.6.5.** Transportation, storage or destruction of seized narcotics, currency or other high risk or valuable commodity;
 - 7.6.6.** During normal operations for FPS and DRO officers, if armed, and in uniform as stated above in sections 5.4., 5.5. and 5.7.;
 - 7.6.7.** In emergency situations where ICE management determines there is an immediate threat to the safety of employees. In addition to the nature of the emergency situation, ICE management will also determine the duration of the emergency and, accordingly, the length of time that body armor must be worn; and,
 - 7.6.8.** During all DRO fugitive apprehension operations regardless of whether it is a formalized, preplanned operation or not. This does not include simple investigative inquiries when an apprehension is not anticipated by the DRO armed officer.
- 7.7.** SFIs shall ensure that training is provided to each employee who is issued body armor. SFIs shall ensure that all training is documented in the appropriate system as identified by the NFTTU.
- 7.8.** Body armor training covers the following:
- Circumstances/situations when body armor must be worn;
 - Type of body armor that is necessary;

- Procedures to properly don, doff, adjust and wear body armor;
 - Limitations of body armor;
 - Proper care, maintenance and useful life of the body armor; and,
 - Use of firearms while wearing body armor.
- 7.9. Employees shall notify their supervisor(s) of the need to replace worn, damaged or ill-fitting body armor should such a need be identified by the armed officer or SFI.
- 7.10. Body armor that is no longer serviceable will be physically and electronically transferred to the NFTTU for final disposition.
- 7.11. Expired body armor distributed prior to the utilization of the NFTTU automated system for inventory and accountability shall be physically transferred to the NFTTU for final disposition. The NFTTU shall furnish guidance for the manual transfer of body armor that is not documented in FIS.
- 7.12. Additional guidance or instructions regarding the identification, procurement, replacement, transfer, tracking and inventory of body armor may be issued by the NFTTU to address agency transition, reorganization and/or realignment.
8. **NO PRIVATE RIGHT STATEMENT.** This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.

Approved


Michael J. Garcia
Assistant Secretary



U.S. Immigration and Customs Enforcement

Interim ICE Use of Force Policy

July 7, 2004

Foreword

I have signed and authorized the release of the interim U.S. Immigration and Customs Enforcement (ICE) Use of Force Policy. This document shall serve an interim use of force policy for ICE and shall supersede all legacy agency use of force policies, becoming effective on July 7, 2004. This policy was the result of a great amount of dedication, effort and work by many representatives from each ICE operational component and the ICE National Firearms and Tactical Training Unit (NFTTU). The interim ICE Use of Force Policy retains the best of each legacy agency's policy and national use of force program. It is intended to create a strong and comprehensive policy to unify our many operational elements in the critical area of firearms and the related disciplines.

The NFTTU shall electronically distribute this interim policy to all of the ICE Senior Firearms Instructors (SFIs) and Defensive Tactics Instructors. The policy shall be posted on the NFTTU intranet website (<http://10.49.25.40>) for immediate access and distribution to all ICE armed officers. The NFTTU has provided interim policy training to over two hundred and fifty (250) ICE SFIs as of the release of this important interim policy. All ICE armed officers are required to fully read and understand the new policy prior to the July 7, 2004 implementation date.

The implementation of this interim policy is a significant undertaking and is a milestone in the progress ICE is making in the establishment of our new agency. If you have any questions or require assistance in implementing this new policy in any way, please contact the NFTTU at

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Michael J. Garcia
Assistant Secretary

Table of Contents

Part 1	Use of Force.....	1
A.	General Guidelines.....	1
B.	The Use of Force Continuum.....	1
C.	Emergency Situations	3
D.	Employee Assistance Program.....	3
Part 2	Use of Force Reporting Requirements.....	4
A.	Use of Deadly Force	4
B.	Discharge of a Firearm.....	5
C.	Exceptions to Reporting Firearm Discharges	6
D.	Reporting Use of Hard Techniques and/or Chemical Agents.....	7
E.	The Firearms and Use of Force Incident Review Committee.....	7
Part 3	Intermediate Force Devices	9
A.	Authority to Use Intermediate Force Weapons	9
B.	Use of Chemical Agents	9
C.	Impact Weapons.....	10
D.	Specialty Impact Munitions.....	10
E.	Reporting Requirements for Use of Intermediate Weapons.....	10
Part 4	Marine Enforcement	11
A.	General Guidelines.....	11
B.	Training and Certification.....	11
C.	Preparation for Use of Warning Shots.....	11
D.	Use of Warning Shots	12
E.	Disabling Fire.....	13
F.	Defense Against Ramming Attempts.....	14
G.	Reporting the Use of Warning or Disabling Shot.....	14
Appendix 1 - DHS	Use of Force Policy.....	15
Appendix 2 – Shooting or Use of Deadly Force Incident Investigation Reports		20
Appendix 3- ICE	Use of Force Incident Report	22

Part 1 Use of Force

A. General Guidelines

1. The Department of Homeland Security (DHS) Use of Force Policy governs the use of deadly force by all DHS officers and employees. The complete DHS policy is contained in Appendix 1.
2. As an overall guideline, only that force which is both necessary and reasonable may be used in any given situation. "Necessary" means some force is required to accomplish one's lawful duty. "Reasonable" means there are facts and circumstances that justify the degree of force to be used in the given situation, up to and including deadly force.
3. In some situations, the proper initial response might be the application of deadly force.
4. Since appropriate actions may vary based on the facts and the officer's individual experience, two (2) officers might have different and yet appropriate responses to the same situation.
5. In an emergency situation, ICE officers are authorized to use appropriate and reasonable means that are available to protect themselves and others consistent with the threat faced.
6. The discharge of firearms against persons or animals constitutes the use of deadly force. The use of firearms to discharge chemical munitions or specially-designed breaching munitions against structures does not constitute the use of deadly force, unless there is reason to believe that the chemical munitions or specially-designed breaching munitions may cause the death of a person (e.g., may cause a fire).
7. Warning shots and disabling fire are prohibited except where authorized in Part 4 in the area of marine enforcement.

B. The Use of Force Continuum

1. The use of force continuum is a model used to illustrate the levels of force an officer may need to use to gain control over a subject. The continuum is comprised of five (5) levels. It begins with the mere presence of the officer and can escalate to the use of deadly force. It must be noted that an appropriate initial use of force may be deadly force and that a deadly force situation may de-escalate to a lower level on the use of force continuum.
2. An officer may have to rapidly escalate or de-escalate through the use of force continuum, depending on the totality of circumstances present. "Totality of the circumstances" refers to those factors existing in each individual case. These

factors include level of training, strength, age, and the size of the officer and suspect. Also included are the weapon(s) involved, presence of other officers, suspects or bystanders and environmental conditions.

3. Outlined below are the five (5) levels of the use of force continuum and appropriate officer action for each level.

a. Mere Officer Presence Without Action

- (1) Professional, courteous demeanor;
- (2) Positive attitude;
- (3) Physical condition (fitness);
- (4) Posture and body language; and
- (5) Neatness of attire or uniform and equipment.

b. Verbal Commands

- (1) Professional, firm voice;
- (2) Instructions should be simple, easy to understand and repeated as necessary; and
- (3) Only one officer should issue verbal commands.

c. Soft Techniques

- (1) Minimal chance of injury, empty-hand;
- (2) Escort position;
- (3) "Come-along" holds, to include the use of impact weapons;
- (4) Touch pressure points;
- (5) Specified electronic defense modules/electro-muscular devices; and
- (6) Use of chemical agents.

d. Hard Techniques

- (1) Greater possibility of injury to participants;

- (2) Strikes with hand, arm, foot, leg, head or whole body;
- (3) Throws;
- (4) Take-downs;
- (5) Impact weapons when used for striking; and
- (6) Specialty impact weapons.

c. Deadly Force

- (1) Deadly force is the use of any force that is likely to cause death or serious physical injury. Deadly force does not include force that is not likely to cause death or serious physical injury, but unexpectedly results in such death or injury.
- (2) Deadly force may be employed only when the officer has probable cause to believe there is an imminent threat of death or serious physical injury to the officer or others.
- (3) Deadly force may be used to prevent the escape of a fleeing subject if there is probable cause to believe that escape of the subject would pose an imminent danger of death or serious physical injury to the officer or to another person.
- (4) Examples of deadly force include, but are not limited to, any discharge of firearms against persons or animals, any use of impact weapons to strike the neck or head, any strangulation techniques, any strikes to the throat, and the use of any edged weapons.

C. Emergency Situations

In an emergency situation, ICE officers are authorized to use whatever firearm or other weapon is available for self-defense or the defense of another person. This statement does not authorize the carrying of any firearm for duty use that is not approved and listed in Appendix 1 of the ICE Firearms Policy.

D. Employee Assistance Program

The officer's supervisor will advise the employee that the Employee Assistance Program (EAP) is available for consultation in the event of a violent confrontation. The EAP can be contacted at 1-800-467-3277.

Part 2 Use of Force Reporting Requirements

A. Use of Deadly Force

1. Local law enforcement agencies may investigate use of force incidents occurring within their territorial jurisdictions, including those resulting in serious bodily injury or death (critical incidents). That responsibility does not diminish because one of the participants is a federal employee. Accordingly, an ICE employee involved in a critical incident should anticipate an investigation by local authorities. (Note: Employees involved in critical incidents enjoy the same protections afforded to other citizens under the Constitution of the United States.) They may be interviewed by local police or subpoenaed to a local grand jury or court proceeding. Under the Fifth Amendment, employees cannot be compelled to make self-incriminating statements to local authorities concerning the incident unless the employee is protected against the use of his compelled answers in any subsequent criminal case. Due process, the right to counsel, and protection against unreasonable searches and seizures are also applicable to the same extent as with any other citizens under investigation by local authorities.
2. When officers use deadly force, the incident must be reported.
 - a. The officer must immediately report the incident to their supervisor.
 - b. The supervisor shall immediately report the incident to the Responsible Official as identified in the ICE Firearms Policy.
 - c. The supervisor will also immediately notify the ICE Headquarters Reporting Center (HRC) of the incident.
 - d. The supervisor will ensure notification of local law enforcement authorities in incidents involving property damage, bodily injury, or death.
 - e. The ICE HRC shall immediately notify the Office of Professional Responsibility (OPR), the Director of the appropriate operational component, and the Director of the National Firearms and Tactical Training Unit (NFTTU).
 - f. In accordance with DHS Office of Inspector General (OIG) requirements, the ICE OPR shall notify the DHS OIG, of the misuse or improper discharge of a firearm, except for discharges which occur during firearms training, practice, or qualification, and do not cause any injury to a person or animal, or damage to property.
3. When an ICE officer uses deadly force, either on or off-duty, which results in death or serious bodily injury to a person, the officer shall be immediately granted administrative leave for three (3) consecutive workdays. This period of excused

absence is not for disciplinary purposes. Office of Personnel Management and ICE rules and regulations should be consulted for information regarding any extensions of administrative leave.

4. Verbal reports must be followed by written reports prepared by the officer's first line supervisor.
 - a. Supervisors are responsible for sending written reports to OPR within five (5) business days.
 - b. Copies of the written reports will be sent to the Director of the appropriate operational component and Director of the NFTTU within ten (10) business days.
 - c. When deadly force is used, the initial written report must be on an ICE Use of Force Incident Report, NFTTU Form 10 (Appendix 3) and shall contain the information listed in Appendix 2, *Shooting or Use of Force Incident Investigation Reports*.
 5. As additional information is obtained, the supervisor is responsible for supplementing written reports with such information.
 6. All shooting incident investigations, conducted by field officials and not OPR, should be completed within sixty (60) days whenever possible and the investigation report(s) sent to OPR. In the event that evidence critical to the investigation is not available within sixty (60) days, updated status reports on open cases will be forwarded to OPR as each is completed.
 7. OPR must be contacted to determine if any additional reporting requirements or duties are required by subsequent DHS, ICE or OPR policies, directives or procedures.
- B. Discharge of a Firearm
1. All firearms discharges, whether intentional or unintentional, must be reported in accordance with the requirements contained in Part 2.A. Reportable firearms discharges include:
 - a. Any incident that involves the discharge of an ICE-issued firearm, including by any person other than an ICE officer;
 - b. Any incident that involves the discharge of an ICE-approved personally owned handgun, including by any person other than an ICE officer;

- c. Any incident that involves the discharge of a firearm as an act of assault against any ICE officer or employee, and the assault is, or reasonably appears to be, related to his or her ICE employment;
 - d. Any incident, which involves the discharge of a firearm by a law enforcement officer other than an ICE officer, when the discharge occurs during multi-agency operation involving ICE officers; or
 - e. The discharge of specialty impact munitions from a conventional firearm or a launcher specifically designed to expel these types of projectiles.
- 2. After any discharge resulting in personal injury or property damage, the firearm and ammunition must immediately be sent, by the Senior Firearms Instructor (SFI) as defined in the ICE Firearms Policy, to the Director of the NFTTU for examination, unless the firearm is required for an ongoing Federal, state or local law enforcement investigation or legal action.
 - 3. To send a firearm to the Director of the NFTTU, the SFI must ensure that the firearm and magazine are unloaded and that it has not been cleaned prior to shipping. **At no time shall a firearm be disassembled.**
 - 4. When an unintentional discharge occurs and the officer has any reason to believe that the firearm has malfunctioned, the firearm must be immediately sent, by the SFI, to the Director of the NFTTU for examination.
 - 5. A shooter-induced unintentional discharge, in which there is no personal injury or property damage, and for which the officer acknowledges responsibility, does not require the firearm be sent to the Director of the NFTTU.
 - 6. When an officer is a witness to a reportable shooting incident, the officer may be required to submit a written report consistent with Part 2.A.2&4.

C. Exceptions to Reporting Firearm Discharges

- 1. Shooting incident reporting requirements do not apply to the discharge of firearms during authorized training while on the firing line (i.e., practice, qualification and function testing) when no personal injury or property damage occurs.
- 2. In special situations where officers are deployed and under the control of another department in a foreign country (e.g., under the direction of the Department of Defense during war), they may, on a case-by-case basis as determined by the Director of the appropriate ICE operational component, be relieved from these shooting incident reporting requirements.

D. Reporting Use of Hard Techniques and/or Chemical Agents

1. The use of hard techniques or chemical agents that subsequently result in serious bodily injury or death will be reported following the procedures described in Part 2.A.
2. When officers employ hard techniques and/or intermediate force weapons to control a person, they shall immediately report the matter to their supervisor.
3. Verbal reports must be followed by a written report prepared by the officer's first line supervisor containing the information outlined in Part 2.A.4.
4. Supervisors are responsible for sending written reports to the OPR within five (5) business days.
5. Copies of the written reports will be sent to the Director of the appropriate operational component and Director of the NFTTU within ten (10) business days.

E. The Firearms and Use of Force Incident Review Committee

The Firearms and Use of Force Incident Review Committee is responsible for:

1. Reviewing reports of all incidents involving firearms, certain and/or specified use of force events and enforcement related officer safety issues identified in Parts 2 and 4 of this policy;
2. Reviewing these incidents to determine the sufficiency of tactics, training or policy to deal with the incident(s); and
3. Establishing a permanent ICE Firearms Board of Survey at Headquarters that is authorized to grant the relief of responsibility for lost or stolen firearm(s) and/or related property from the ICE armed officer regarding inventory and accountability.
4. The Firearms and Use of Force Incident Review Committee members are:
 - a. The Director of the NFTTU, who serves as committee chair;
 - b. The Director of each operational component or his or her designee;
 - c. The Director of the Office of Professional Responsibility or his or her designee; and
 - d. The Principal Legal Advisor or his or her designee.
5. The Firearms and Use of Force Incident Review Committee shall meet monthly to review shooting and use of force incidents if required.

6. The ICE Firearms Policy also addresses policy and procedure requirements associated with the Firearms and Use of Force Incident Review Committee.

Part 3 Intermediate Force Devices

A. Authority to Use Intermediate Force Weapons

1. All ICE officers shall be trained to use (b)(7)(E) and approved batons. The use of intermediate force weapons by ICE armed officers will be authorized following their successful completion of the initial training and certification requirements, as well as recertification requirements, that are prescribed by the Director of the NFTTU.
2. While performing official duties, ICE officers authorized to carry firearms may be required to carry at least one (1) approved intermediate force device. Officers assigned to non-operational law enforcement activity or undercover work are not required to carry intermediate force devices.
3. ICE officers, as trained and certified, may be authorized to use the following approved intermediate force devices that have been authorized by the Director of the NFTTU:
 - a. Chemical agents;
 - b. Expandable batons;
 - c. Straight batons;
 - d. Authorized less-lethal devices;
 - e. Authorized specialty impact munitions;
 - f. Authorized electronic defense modules/electro-muscular disruption devices; and/or
 - g. Other intermediate force devices approved in writing by the ICE Assistant Secretary.

B. Use of Chemical Agents

1. Chemical agents may be used as an intermediate force option to temporarily incapacitate an assailant. They may be used in situations where empty-hand techniques are not sufficient to control disorderly or violent subjects, but where deadly force is not justified.
2. The use of chemical agents must be discontinued after a subject has been subdued or incapacitated.
3. Officers must conduct decontamination of the subject as soon as possible after the

subject has been controlled.

4. Officers may only use chemical agents approved by the Director of the NFTTU.

C. Impact Weapons

1. The use of impact weapons for striking is categorized as a hard technique in the ICE use of force continuum.
2. The use of an impact weapon, as a leverage tool during “come-alongs” or to apply gradual pressure for compliance, is categorized as a soft technique in the ICE use of force continuum.
3. When using an impact weapon, officers should choose the appropriate level within the use of force continuum as required by the totality of circumstances.
4. The use of an approved impact weapon must be discontinued after a subject has been subdued or incapacitated. This does not preclude the continued use of an approved impact weapon as a “come-along” technique.
5. The use of impact weapons by ICE armed officers will be authorized following the successful completion of training.

D. Specialty Impact Munitions

1. Specialty impact munitions are extended range impact weapons that are fired or launched from a conventional firearm or launcher specifically designed to expel these types of projectiles.
2. Although a firearm is used to launch specialty impact munitions, the use of these munitions is categorized, at a minimum, as a hard technique in the ICE Use of Force Continuum.

E. Reporting Requirements for Use of Intermediate Weapons

1. When officers employ an approved baton as a hard technique or chemical agents to control a person, the officer shall immediately report the incident in accordance with the procedures outlined in Part 2.D.
2. When specialty impact munitions are employed as a hard technique to control a person, the officer shall immediately report the incident in accordance with the procedures outlined in Part 2.A&B.

Part 4 Marine Enforcement

A. General Guidelines

1. Open water warning shots are to be used as a signal only. They will be used to attract attention after all other available means of signaling have failed. This conforms to United States and international laws which recognize warning shots across the bows of vessels as legitimate signals.
2. Warning shots pose a potential hazard. They may be fired only to signal a fleeing vessel to stop. They cannot be fired where there is a reasonable possibility that personal injury, death, or property damage will occur. Safety will always be the first consideration when firing warning shots. Good judgment must be exercised at all times. Personnel will be held accountable for the use of warning shots in violation of these procedures.
3. Warning shots will be fired only in open waters (when range is clear and any shot fired could not fall on land or another vessel) and when such action will not present a danger to any individual, cause damage to property, or be used to purposely invite suspects to return fire.
4. Disabling shots will be fired only in open waters (when range is clear and any shot fired could not fall on land or another vessel) and when such action will not present a danger to any individual or be used to purposely invite suspects to return fire.
5. The vessel commander is responsible for authorizing the use of open water warning and disabling shots.

B. Training and Certification

1. Only those ICE officers who have successfully completed the required training, as mandated by the Director of the NFFTU, will be authorized to utilize open water warning and disabling shots.
2. Only ordnance approved by the Director of the NFFTU will be authorized for use in conducting warning and disabling shots.

C. Preparation for Use of Warning Shots

Before a decision to use warning shots can be made, the following conditions must be met:

1. All means of signaling available (including siren or loud hailer and display of typical law enforcement flashing light) to the ICE officer have failed to bring the pursued vessel to a stop. This includes giving the order(s) "to take the way off your vessel" (slow down, stop, heave to) and/or "we are going to board you."

2. The customs ensign and official ICE symbol identifying insignia must be clearly displayed on the vessel so as to be seen by the pursued vessel.
3. Due to the possibility of return fire, the number of ICE personnel on deck should be kept to a minimum.
4. All ICE officers will be clearly identified as ICE officers through the use of uniforms, raid jackets or other approved methods.
5. Protective and safety equipment, such as body armor and personal flotation devices, clearly identified by an ICE badge (patch) and the words CUSTOMS, ICE or police, must be worn by all personnel on board.
6. Communications equipment must be on hand to clearly communicate verbal instructions to the suspect vessel. All ICE vessels must have a (b)(7)(E)
(b)(7)(E)
Land/Mobile radio with law enforcement network access. A loud hailer system must be available.
7. Positive communication must be established in advance with the National Law Enforcement Communications Center (Sector), the Air and Marine Operations Center (AMOC), the local Air and Marine Branch, or any other ICE or DHS communications available to the vessel.
8. An emergency distress signal will not be used as a warning shot as this conflicts with existing distress and illumination signals and may cause confusion.

D. Use of Warning Shots

When a pursued vessel fails to comply with an order to stop, all conditions listed in Parts B and C are met, and the ICE vessel commander believes warning shots are warranted, the vessel commander will:

1. Assume an enhanced state of readiness, and ensure that means of force appropriate to the situation at hand are available for self-defense.
2. Maintain the position of the ICE vessel with respect to the pursued vessel to minimize the threat of ramming.
3. Continue signaling while maintaining a relative position appropriate for firing warning shots.
4. For all vessels, foreign or United States flag, communicate to Sector or AMOC, the name, homeport, number, rig, and other distinguishing characteristics of the pursued vessels, and notify that warning shots will be or have been fired.

5. For vessels displaying foreign flag only, coordinate, as required by Presidential Directive 27 among affected agencies, such as the U.S. Coast Guard and Department of State on all actions against foreign flag vessels on the high seas (more than 12 nautical miles from the coast of the United States). In order to ensure such coordination, all warning shots fired from ICE vessels at foreign flag vessels shall be cleared by the U.S. Coast Guard District Operations Center through the local Air and Marine Branch, Sector, AMOC, or whatever other ICE communication is available to the ICE vessel.
6. Vessels displaying no flags, stateless or "pirate vessels," not registered in any country, are subject to the jurisdiction of any nation choosing to exercise jurisdiction wherever on the high seas the vessel is encountered. Therefore, ICE officers may treat stateless vessels in the same manner as United States vessels.
7. After approval by the vessel commander and having met all other conditions listed above, ICE officers may fire warning shots. Warning shots will be fired directly across, but not over, the bow well forward of the pursued vessel. This is to be accomplished with regard to safety of other vessels as well as the pursued vessel. Furthermore, there should be a timed interval between successive shots long enough to allow persons aboard the pursued vessel to make evident any decision to stop. If time and circumstances permit, fire a minimum of two (2) warning shots. If firing across the bow is impractical, warning shots should be fired in an alternate safe direction (but not in a projected arc over the vessel) where the range is clear and considered most visible to the pursued vessel. Furthermore, such shots must not jeopardize other vessels or other persons.

E. Disabling Fire

When a pursued vessel fails to comply with an order to stop, all conditions listed above in subpart C. are met, warning shots have been fired as provided in subpart D., and the ICE vessel commander believes disabling shots are warranted, the vessel commander will:

1. Continue an enhanced state of readiness, and ensure that the means of force appropriate to the situation at hand are available for self-defense.
2. Continue to maintain the position of the ICE vessel with respect to the pursued vessel to minimize the threat of ramming.
3. Continue signaling (siren or loud hailer) while maintaining a relative position appropriate for disabling shots.
4. After approval by the vessel commander, NFFTU trained and certified (authorized) ICE officers may deploy disabling shots.
5. The proper utilization of these specified firearms and ordnance for disabling fire in accordance with the approved training shall not be considered deadly force.

F. Defense Against Ramming Attempts

When ICE officers believe that they are in imminent danger of being rammed, and a ramming or attempt to ram is intentional, ICE personnel can invoke deadly force in self-defense. The following criteria must be met in total before deadly force is invoked:

1. The suspect vessel poses an imminent threat of serious injury or death to ICE personnel; and
2. The ramming attempt is intentional. If not specifically threatened, the intent to ram may be reasonably inferred based on facts and circumstances such as:
 - a. An uncooperative and belligerent attitude towards generalized warnings or orders to "heave to"; or
 - b. An uncommunicative vessel which refuses to respond to ICE queries, signals, or presence, and there appears to be no difficulties in maneuvering when a sudden change of course is obviously made to collide with the ICE vessel; and
3. The ICE vessel cannot prevent the ramming by maneuvering clear.

G. Reporting the Use of Warning or Disabling Shots

1. The vessel commander shall report any use of open water warning and/or disabling shots to the AMO Command Duty Officer who shall in turn report it to the ICE Headquarters Reporting Center.
2. A Use of Force Incident Report, ICE Form 10, shall be completed for any open water warning and/or disabling shots and forwarded to the Director of the NFTTU.
3. U.S. Coast Guard Exceptions: Although U.S. Coast Guard petty, warrant, and commissioned officers are customs officers pursuant to 19 U.S.C. § 1401 (i) and 14 U.S.C. § 143, they have independent authority to carry firearms. Therefore, U.S. Coast Guard personnel acting as customs officers are exempt from this ICE Policy, and they may carry and use firearms in accordance with applicable U.S. Coast Guard directives.

INTERPOL Washington

Proactive Approach

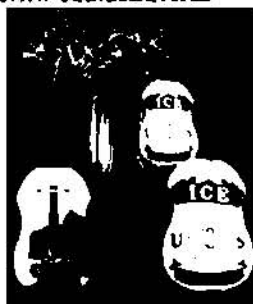


Fugitive Alien Removal (FAR)

*Protecting Our People
Securing Our Streets*

~~—CUI-LAW ENFORCEMENT SENSITIVE-FOR~~
~~—OFFICIAL USE ONLY—~~

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U.S. Department of
Justice



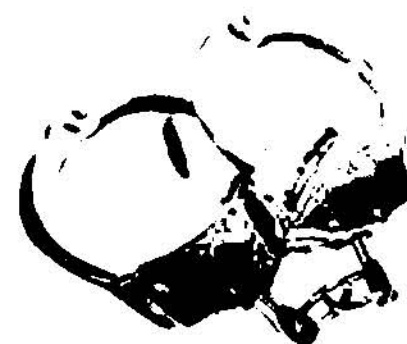
INTERPOL Washington
U.S. Department of Justice

CJ Fohl

ICE Liaison

INTERPOL Washington

2010



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Topics of Discussion

- What are Fugitive Alien Removal (FAR) Cases and what is the FAR Program ?
- How we support Immigration and Customs Enforcement (ICE) ?

(b)(6),(b)(7)(C)



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FAR

- The ICE Office of Enforcement Removal Operations (ERO) is the lead agency within The Department of Homeland Security (DHS), responsible for the location, arrest and administrative removal of Foreign Fugitives within the United States



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FAR

- Most fugitives from other countries that are in the United States are aliens (not legal status residents or U.S. Citizens).
- Many of them are removable from the United States through administrative means



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FAR

- Administrative removals through immigration proceedings
 - Exclusion
 - Deportation

Are more cost effective and timely than formal extradition through diplomatic channels



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FAR

- Not all foreign fugitives can be removed by administrative means – such as
 - Those that hold legal residency and have not met a threshold for removal
 - Those that are citizens of one country and wanted in a third country
 - Those that receive special immigration benefits



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FAR

- Additionally, ICE/ERO has further criteria for a case to be considered a FAR



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ICE/ERO Defines a FAR Case as:

- A FAR case is defined as: A foreign fugitive is an alien who: Has an outstanding criminal arrest warrant issued under the authority of the criminal justice system within the country the criminal activity took place



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A FAR Case is:

- The crime under which he/she is charged is also considered a crime within the United States



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A FAR Case is:

- The requesting government has provided evidence of the existence of the arrest warrant through official correspondence such as the issuance of an INTERPOL Red Notice and Diffusion message, or actual, translated copy of the warrant itself



(b)(6),(b)(7)(C)



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A FAR Case is:

- And the requesting government has agreed to expeditious issuance of travel documents to facilitate the subject's return, if necessary



(b)(6),(b)(7)(C)



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HOW INTERPOL PROVIDES SUPPORT

- There are over a thousand International criminal locate requests at INTERPOL Washington at any given time



- And these only represent the fugitives that countries believe to have left their country, or have submitted information through INTERPOL.



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HOW INTERPOL PROVIDES SUPPORT

- Incoming Foreign Red Notices and Wanted Person Diffusions are entered into TECS, and if enough biographical information is available they will be entered into NCIC, and an INTERPOL case will be opened

(b)(6),(b)(7)(C)

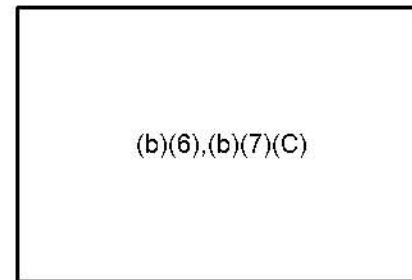


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HOW INTERPOL PROVIDES SUPPORT

- These requests are vetted against myriad databases such as (b)(7)(E) and others, to help establish if there is an actionable lead that can be disseminated to the field.



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HOW INTERPOL PROVIDES SUPPORT



- Information on foreign fugitives that are received from U.S. law enforcement sources are treated similarly. The information is checked in multiple databases, entered into (b)(7)(E) a case is opened and if actionable, disseminated appropriately - However



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HOW INTERPOL PROVIDES SUPPORT

- Since these cases did not originate in the INTERPOL system at a foreign Central Bureau:
 - Document translation and case tracking are performed by INTERPOL Washington
 - Leads are directly disseminated to the appropriate ICE/ERO, ICE Office of Investigation or U.S. Marshal Task Force
 - Close monitoring of the case is performed, and the foreign country that holds the warrant for the subject is notified prior to the subject's administrative removal



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HOW INTERPOL PROVIDES SUPPORT

- Additionally, INTERPOL Washington can assist the field by:
- Requesting criminal / judicial documents or searches from foreign governments
- Requesting identity and ID checks
- Requesting fingerprint comparisons



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HOW INTERPOL PROVIDES SUPPORT

- Additional law enforcement support and coordination, including de-confliction of target subjects, liaison between multiple foreign governments that have interest in a case, and other service are available



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How to contact us:

GENERAL INFORMATION QUERIES (INTERNET)

E-mail: [REDACTED] (b)(7)(E)

Phone: 202-616 [REDACTED] (b)(6),(b)(7)(C)

SECURE AND KNOWN COMMUNICATIONS

NLETS ORI: DCINTER00

Fax: 202-616-8400

Riss.Net: [REDACTED] (b)(7)(E)

[REDACTED] (b)(7)(E)



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Web site:

(b)(7)(E)



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INTERPOL NOTICES



Red - Seeks the location and arrest of subjects for whom an arrest warrant has been issued with a view to extradition (fugitives).



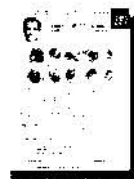
Blue - Seeks to locate, obtain information about, and /or identify subjects who are of interest in a criminal investigation (offenders, witnesses, associates).



Green - Provides information to warn about subjects who are a possible threat to public safety or may commit a criminal offense, based on an assessment by a national law enforcement authority and previous criminal convictions or history (habitual offenders, child molesters, pornographers, members of violent gangs).



Yellow - Seeks to locate missing persons (including missing children and victims of parental abduction), or to identify persons unable to identify themselves (unconscious, persons with amnesia).



Black - Seeks information on unidentified dead bodies.



Orange - Provides information to warn about a person, an object, an event or a modus operandi which presents an imminent threat to public safety and is likely to cause serious injury to persons and /or damage to property.



Purple - Provides information on modi operandi, procedures, objects, devices, and hiding places used by criminals.



Stolen Works of Art - Seeks to locate stolen works of art or items of cultural value, or to identify such objects discovered under suspicious circumstances.



For more information contact: INTERPOL - U.S. National Central Bureau
U.S. Department of Justice, Washington, DC 20530
Tele. 202-616-9000 / Fax 202-616-2000
www.usdoj.gov/usncb



Duplicate



U.S. Immigration
and Customs
Enforcement

AUG 24 2007

MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Field Office Directors
Deputy Field Office Directors

FROM: John P. Torres
Director

SUBJECT: Juveniles Encountered During Fugitive Operations

Purpose

This memorandum provides clarification to the Office of Detention and Removal Operations (DRO) Fugitive Operations Teams (FOT) who encounter U.S. citizen (USC) and Lawful Permanent Resident (LPR) juveniles during execution of enforcement initiatives targeting fugitive aliens.

Summary

The attached memorandum entitled "*ICE Transportation, Detention and Processing Requirements*" remains the binding guidance to Special Agents-in-Charge (SAC) and Field Office Directors (FODs) while conducting immigration enforcement operations. However, as a matter of policy, DRO FOTs should not take custody of or transport a juvenile (i.e. child under the age of 18) who is either a USC or LPR and who is not being processed for an immigration violation. FOTs, who encounter a fugitive alien responsible for the custody of a USC/LPR juvenile, must, in this order of preference, coordinate the transfer of the USC/LPR juvenile into the safekeeping of (1) the nearest child welfare authority; (2) local law enforcement; or if options (1) and (2) are inconsistent with operational requirements, then FOTs must (3) carefully document the fugitive alien's request for transfer of the USC/LPR juvenile into the safekeeping of a verifiable third party.

The use of the first two options is strongly encouraged. Child welfare authorities and local law enforcement are better suited for making determinations related to child custody matters. Even when the fugitive alien demands transfer to a third party, FOTs are to work through child welfare authorities or local law enforcement and defer to their transfer determinations. Under limited circumstances and only when specifically approved by their FOD, FOTs may temporarily safeguard USC/LPR minors.

To the greatest extent possible, FOTs should coordinate with child welfare authorities prior to arrest of fugitive alien parents. All DRO FOTs and FOT members must maintain a current and relevant list of contacts for such agencies.

If the child welfare authority and local law enforcement cannot respond in a timely manner, so as to jeopardize operational objectives, and the fugitive alien requests assistance in transferring safekeeping of the USC/LPR juvenile to a third party, FOTs should:

1. Document the inability of the welfare authority and local law enforcement to take timely custody of the minor;
2. Document in writing the fugitive alien's request to release the USC/LPR juvenile to an identified third party (preference is for the request in the fugitive alien's own handwriting);
3. Facilitate the fugitive alien's contact with the third party;
4. Verify the identity of the third party through government issued identity cards prior to transferring the USC/LPR juvenile into the safekeeping thereof; and
5. Forward copies of relevant documentation (inability of the welfare authority/local law enforcement to take timely custody of the USC/LPR juvenile) to the child welfare authority for further processing.

Where the child welfare authority and local law enforcement are unresponsive and the fugitive alien parent identifies no third parties, FOTs should seek guidance from their FOD through their chain of command.

In exigent circumstances, when all of the above options are unavailable, it is recommended that the sole care provider be placed on one of the Alternatives to Detention (ATD) programs available in the respective Field Office; all ATD processing should be done on site.

Questions regarding this policy should be addressed to (b)(6), (b)(7)(C) Deputy Assistant Director (DAD), Compliance Enforcement Division (CED) at (202) 616 (b)(6), or via e-mail at

(b)(6), (b)(7)(C)

TRANSPORTATION CONSENT FORM
Department of Homeland Security
Immigration and Customs Enforcement

Know all men by these presents:

Whereas I, _____, give my consent for my child
(NAME)

_____ to be a passenger on DHS/ICE aircraft/vehicle
(NAME)

_____. I give my consent freely and entirely on my own initiative.
(TAIL/LICENSE NO.)

Signed: _____

Address: _____

Date: _____

Witness: _____
(NAME AND TITLE)

Legal and Policy Based Instruction for ERO Field Operations

Fugitive Alien Removal Learning Objectives

- Identify and apply Fourth Amendment and administrative authority limitations when making contact with persons.
- Describe the proper protocol when working with the International Criminal Police Organization (INTERPOL).
- Identify Mandatory Data Checks.
- Identify and apply Fourth Amendment and administrative authority limitations for conducting an investigatory stop.
- Identify the requirements of a criminal warrant.
- Identify ICE Use of Force Guidelines.
- Identify and apply the policy on enforcement actions at or near sensitive locations.
- Identify and apply Fourth Amendment and administrative authority limitations for conducting a "hot pursuit" warrantless entry.
- Identify the mission of the National Fugitive Operations Support Center.

Admin Warrant Learning Objectives

- Identify the mission of the National Fugitive Operations Program.
- Define an Immigration and Customs Enforcement (ICE) Fugitive Alien.
- Identify and apply documentation of operational activities (FOW, I-213).
- Describe case priority.
- Identify Mandatory Checks.
- Identify and apply Fourth Amendment and administrative authority limitations when conducting surveillance.
- Discuss liaison responsibilities and limitations.
- Identify scope of authorities in joint operations.
- Define and apply the policy on use of ruses in ICE enforcement operations.
- Discuss Curtilage.
- Identify and apply Fourth Amendment and administrative authority limitations on consent.
- Identify and apply Fourth Amendment and administrative authority limitations for obtaining valid consent to enter a location and search.
- Identify and apply Fourth Amendment and administrative authority limitations for executing a protective sweep.
- Identify and apply Fourth Amendment and administrative authority limitations for executing a search incident to arrest.

- Identify and apply policy on exercising Prosecutorial Discretion.
- Define the Immigration and Customs Enforcement (ICE) procedures when juveniles are encountered.
- Identify and apply Fourth Amendment, administrative authority and policy when making contact with a target in a public place.
- Identify and apply Fourth Amendment, administrative authority and NFOP policy when making contact with a target a place of employment.
- Discuss the Immigration and Customs Enforcement memorandum concerning vehicle stops.
- Identify and apply Fourth Amendment, administrative authority and policy when making contact with a target in a mobile conveyance.
- Explain the proper procedure to interact with the news media.
- Identify reporting requirements for the disposition of cases.

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



U.S. Immigration and Customs Enforcement

AUG 10 2005

MEMORANDUM FOR: ALL FIELD OFFICE DIRECTORS

FROM:

John P. Torres
Acting Director
Detention and Removal Operations

SUBJECT:

Mandatory Data Checks for Detention and Removal Arrests

In an effort to enhance operational integrity and officer safety, U.S. Immigration and Customs Enforcement (ICE) Detention and Removal Operations (DRO) personnel will conduct data checks in the (b)(7)(E) prior to any enforcement activity.

The ICE Office of Investigations (OI) utilizes the (b)(7)(C) Case Management (CM) module for processing investigative cases. This module allows OI to open cases, write Reports of Investigations, input and link subject records, complete Search/Arrest/Seizure Reports, and create Significant Activity Reports.

To ensure that DRO Officers are aware of potential existing criminal investigations, DRO personnel are requested to implement the following de-confliction guidance:

- DRO personnel will perform, in advance of any enforcement operation, a (b)(7)(C) (b)(7)(E) check on all known primary and collateral targets, and will annotate that the check was completed on the fugitive operation worksheet.
- DRO personnel will also perform a (b)(7)(E) check, on all known primary and collateral addresses and will annotate that the check was completed on the fugitive operation worksheet.
- If a (b)(7)(E) record match is identified, DRO will contact the record owner to ensure appropriate de-confliction.
- ICE Special Agent in Charge (SAC) and ICE Field Office Director (FOD) should coordinate de-conflictions with other law enforcement entities when necessary and appropriate.

Any questions regarding this guidance can be directed to (b)(6),(b)(7)(C) Unit Chief of Fugitive Operations, in headquarters DRO, at (202) 353-(b)(6) or by email at (b)(6),(b)(7)(C)

Family Name (Last Name)		First	Middle
(b)(6),(b)(7)(C)			
Country of Citizenship	Passport Number and Country of Issue	Case No. (b)(7)(E)	
HONDURAS		(b)(6),(b)(7)(C)	
U.S. Address			
306 HUMBLE DRIVE NORTH CHARLESTON, SOUTH CAROLINA, 29405			
Date, Place, Time, and Manner of Last Entry		Passenger Boarded at	
2/4/2007, (Unknown Time, 5 miles) NE of SYS, without inspection			
Number, Street, City, Province (State) and Country of Permanent Residence			
Date of Birth	Date of Action	Location Code	
(b)(6),(b)(7)(C)		/CHL	
City, Province (State) and Country of Birth	AR ☒ Entry Type and No. ☐ Landed ☐ Not Landed ☐		
TEGUCIGALPA, HONDURAS			
NIV Issuing Post and NIV Number	Social Security Number		
	(b)(6),(b)(7)(C)		
Date Visa Issued	Social Security Number		
	(b)(6),(b)(7)(C)		
Immigration Record		Criminal Record	
POSITIVE - See Narrative		See Narrative	
Name, Address and Telephone of Sponsor (If Different from Applicant)		Number and Nationality of Minor Children	
(b)(6),(b)(7)(C)		(b)(6),(b)(7)(C)	
Monies Due/Property in U.S. Not in Immediate Possession	Engaged? ☒ Yes ☐ No	Systems Checks	Charge Code Waiver(s)
None Claimed		See Narrative	(b)(6)
Name and Address of (Last) Current U.S. Employer	Type of Employment	Salary	Employed from to
See Narrative	See Narrative	20	04/ /2009 01/11
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative or criminal violation. Indicate means and route of travel to interior.)			
NCIC Level 3			
RECORDS CHECKED			
(b)(7)(E)			
NAME AND ADDRESS OF US EMPLOYER			
(b)(6),(b)(7)(C) NORTH CHARLESTON, SC 29405			
TYPE OF EMPLOYMENT			
Operators, Fabricators, and Laborers			
At/Near			
North Charleston, South Carolina			
... (CONTINUED ON I-831)			
Alien has been advised of communication privileges		(Date/Initials)	
Distribution		Received (Signature)	
A-File		Officer TR	
Field Operation Work Folder		on June 7, 2010	
Supervisor		Disposition Bag and Baggage	
		Examining Officer, DEVELOPMENT SUPERVISOR 1	

Alien's Name (b)(6),(b)(7)(C)	File Number (b)(6),(b)(7)(C)	Date
Event No: (b)(7)(E)		

Record of Deportable/Excludable Alien:
ENCOUNTER

Current investigation was predicated last month, upon the assignment of this final order fugitive case to ICE deportation officer (b)(6),(b)(7)(C) of the Charleston fugitive operations program for target locate. A second target of this field operation was subject's wife, (b)(6),(b)(7)(C), also the subject of a final order of removal.

Records and surveillance indicated that (b)(6),(b)(7)(C) was residing at (b)(6),(b)(7)(C) North Charleston, SC 29405, and that (b)(6),(b)(7)(C) was possibly living there as well, driving a blue, late model Honda, temporary tag (b)(6),(b)(7)(C).

On this date, at approximately 6:20, DOS (b)(6),(b)(7)(C) all of the ICE Charleston fugitive operations encountered (b)(6),(b)(7)(C) at her residence located at (b)(6),(b)(7)(C) North Charleston, SC 29405, and arrested her on her outstanding warrant of deportation. During that encounter (b)(6),(b)(7)(C) gave information regarding her husband's place of employment. Arresting officers remained with (b)(6),(b)(7)(C) while Supervisor (b)(6),(b)(7)(C) and Officer (b)(6),(b)(7)(C) traveled to (b)(6),(b)(7)(C) work, (b)(6),(b)(7)(C) N. Charleston, SC 29405. (b)(6),(b)(7)(C) was subsequently released on OSUP to care for the couple's 6 month old, USC child, (b)(6),(b)(7)(C). For details regarding that arrest see wife's A-file for the I-213.

On this date, at approximately 7:00, officers (b)(6),(b)(7)(C) arrived at (b)(6),(b)(7)(C) and spoke to the shop manger, (b)(6),(b)(7)(C). After officers identified themselves, (b)(6),(b)(7)(C) made an announcement over the shop loud speaker that, "Yo (b)(6),(b)(7)(C) There's a couple of immigration officers up here who want to talk to you!". Immediately following the announcement officers noted a male matching the description of (b)(6),(b)(7)(C) running out the side door and jumping into the blue Honda which had been identified during earlier surveillance at his home (it had been hidden from street view inside the shop's fenced yard). Officers exited the shop through the front, public entrance and conducted a vehicle stop just after (b)(6),(b)(7)(C) exited the shop's parking lot at (b)(6),(b)(7)(C). (b)(6),(b)(7)(C) complied with all officer commands and gave consent for officers to search his vehicle for his passport. During this search officers found a fully loaded 9mm Remington semi-automatic in the glove box of the vehicle. The serial number was only partially visible and it had a distinct star pattern on the grips.

ENTRY DATA

(b)(6),(b)(7)(C) is a native and citizen of Honduras who last entered the U.S., without inspection, on or about February 3rd, at or near San Diego, CA. (b)(6),(b)(7)(C) was first encountered by U.S. Border Patrol Agents in San Diego, CA on February 4, 2007, after crossing the U.S. border at other than a port of entry, without inspection. Also arrested during that encounter was subject's wife, (b)(6),(b)(7)(C).

IMMIGRATION HISTORY

On February 4, 2007, (b)(6),(b)(7)(C) and his wife were processed by USBP for NTA proceedings under 212(a)(6)(i), before the EOIR courts in San Diego and both were released on their own recognizance. On March 27, 2008, (b)(6),(b)(7)(C) and his wife failed to appear for their immigration hearings and both were ordered removed inabsentia by an immigration judge in SND. Records checks and file review reveal that there are no pending appeals, applications or... (CONTINUED ON NEXT PAGE)

Signature

(b)(6),(b)(7)(C)

Title

2 of 3 Pages

Alien's Name

(b)(6),(b)(7)(C)

File Number

(b)(6),(b)(7)(C)

Date

Event No:

(b)(7)(E)

petitions for RODRIGUEZ, and U.S. citizenship or lawful residence is not possible.

CRIMINAL HISTORY

(b)(6),(b)(7) and his wife have been arrested, together, by Charleston County Police on two separate occasions for shoplifting; there are no dispositions listed in NCIC for any of these arrests which took place on: 12/24/2008, and 04/18/2009. A call to the Charleston County District Court revealed that all charges are still pending. Docket numbers are (b)(7)(E) respectively.

DISPOSITION

During this encounter, at approximately 7:10, (b)(6),(b)(7) was taken into custody and held for removal. The weapon and ammunition found in his vehicle were turned over to the local ATF office. ATF and ICE intend to present this case to the AUSA's office for joint prosecution of an illegal alien in possession of a firearm and alteration of a firearms serial number. Additionally, (b)(6),(b)(7)(C) which is commonly associated with a local street gang. A copy of this i-213 has been forward to ICE gang task force agents for their records. Follow up reports will be available as the case progresses.

END OF REPORT

Signature

(b)(6),(b)(7)(C)

Title

DO

3 of 3 Pages

INCIDENT IDENTIFICATION INFORMATION

ICE Incident Number:		OPR Incident File Number:		Additional NFFTU-10's / Same Incident ☐ Yes ☐ No		ICE Investigating Official:	
Program:		SAC/ RAC/FO:		Office / Station:		Reporting Official:	
Time of Incident:		Date of Incident:		Day of Incident: ☐ S ☐ M ☐ T ☐ W ☐ T ☐ F ☐ S			
Number of Suspects:		Number of Involved ICE Officers:		Number of ICE Officer Witnesses:		Number of Civilian Witnesses:	

INCIDENT LOCATION INFORMATION

Address of Occurrence (Include City, County, State and ZIP Code), or Distance from Permanent Reference Points:			
Character of Premises (Check ONE from EACH Column):			
☐ Urban	☐ Densely Populated	☐ Residential	☐ Indoors
☐ Suburban	☐ Moderately Populated	☐ Commercial	☐ Outdoors
☐ Rural	☐ Sparsely Populated	☐ Undeveloped / Open	☐ In (Land) Vehicle
☐ Remote / Isolated	☐ Uninhabited	☐ Station / Institution	☐ On Boat or Aircraft
Illumination (Check ONE from EITHER of 2 Left Columns; Check ALL Applicable from Remaining Columns):			
If Natural Illumination:		If Artificial Illumination:	
☐ Dawn	☐ Interior Room Lights	☐ Dark	☐ Suspect Silhouetted
☐ Daylight	☐ Street Lights	☐ Poor Lighting	☐ Officer Silhouetted
☐ Dusk	☐ Vehicle Headlights	☐ Good Lighting	☐ Night Vision Aided
☐ Night	☐ Flashlight	☐ Weak Moonlight	☐ Snow / Marine Glare
		☐ Strong Moonlight	☐ Oncoming Light Glare
Environmental Conditions (Check ALL Applicable):			
☐ Dry	☐ Calm	☐ Very Hot	☐ Desert
☐ Standing Water	☐ Windy	☐ Hot	☐ Grassland
☐ Raining	☐ Haze / Blowing Dust	☐ Temperate	☐ Wooded Area
☐ Snowing	☐ Fog	☐ Cold	☐ Mountainous

INVOLVED OFFICER INFORMATION

(Complete a Separate Form NFFTU-10 for Each Officer Involved)

Name (LAST, First MI):		Title:		Service EOD:		Duty Location EOD:	
Sex: ☐ Male ☐ Female		Hand Usage When Shooting: ☐ Right-handed ☐ Left-handed		Height:		Weight:	
Duty Status: ☐ On Duty ☐ Off Duty		Total YEARS Law Enforcement Experience: Federal: State: Local:					
Operational Activity (Check ONE Program / Activity):							
☐ DET (Detention)	☐ FPS (Protection)	☐ TO (Traffic Observ'n)	☐ Other (Explain):				
☐ INV (Investigations)	☐ DRO (Removal)	☐ TRN (Training/Qual's.)					
☐ JTF (Joint Task Force)	☐ AMI (Interdiction)	☐ WS (Warrant Service)					

INVOLVED OFFICER INCAPACITATION INFORMATION

(Complete This Section Only if Involved Officer Was Shot)

Degree and Duration of Incapacitation:				☐ Check This Box if Officer NOT Shot			
☐ NO Incapacitation	Occurred Within:	☐ 0-3 Sec.	☐ 4-6 Sec.	☐ Over 6 Sec.			
☐ PARTIAL Incapacitation	Occurred Within:	☐ 0-3 Sec.	☐ 4-6 Sec.	☐ Over 6 Sec.			
☐ FULL Incapacitation	Occurred Within:	☐ 0-3 Sec.	☐ 4-6 Sec.	☐ Over 6 Sec.			
Ability to Respond to Threat Was Regained Within:		☐ 0-5 Sec.	☐ 6-10 Sec.	☐ Over 10 Sec.			
Body Armor Usage: ☐ Used ☐ Not Used		Number of Impacts:		Number of Full Penetrations:		Number of Failed Penetrations:	
Describe Any Involved Officer Injuries:							

INVOLVED OFFICER FIREARM INFORMATION

(List Additional Firearms Used by Same Officer on Supplement)

Manufacturer:	Model Name / Number:	Type (Pistol, Rifle, etc.):	Rounds Fired:	Caliber:	Barrel Length:
Bullet Type:	Bullet Weight:	Firearm Ownership: ☐ ICE-issued ☐ Personal	Additional Firearms Used: ☐ None ☐ See Supplement		

INVOLVED OFFICER SHOOTING / RELOADING INFORMATION

(Check ONE from EACH Section / Category)

Shooting Information:			
Shooting Posture: ☐ Standing ☐ Kneeling ☐ Prone	Posture Orientation: ☐ Field Inter'n Stance ☐ Facing Squarely ☐ Side Towards	Cover Usage: ☐ No Cover ☐ Cover Used ☐ In Vehicle	Shooting Grip: ☐ Two-handed ☐ Strong Hand Only ☐ Weak Hand Only
Shooting Elevation: ☐ At / Above Eye Level ☐ Below Eye Level ☐ Hip Level	Aiming Method: ☐ Point Aim ☐ Sight Aim ☐ Combination	Firing Mode: ☐ Double Action ☐ Semi-automatic ☐ Fully Automatic	Shooting Distance (Express in Yards): Maximum: Minimum:
Reloading Information: ☐ With Magazine(s) ☐ With Speedloader(s)		☐ From Belt Loops ☐ From Pocket	☐ Check This Box if Officer Did NOT Reload
Total Reloads:		Reloading Posture: ☐ Standing ☐ Kneeling ☐ Prone	Cover Usage: ☐ No Cover ☐ Cover Used ☐ In Vehicle
Total Rounds Fired:	Total SUSPECT Hits:	Total Accounted For:	Other Persons Hit / Property Damaged by Impact(s):
Number and Location of SUSPECT Hits: ☐ Check This Box if SUSPECT Was NOT Hit			
Head (Front)	Upper Torso (F)	Lower Torso (F)	Extremities (Arms)
Head (Rear)	Upper Torso (R)	Lower Torso (R)	Extremities (Legs)

INVOLVED OFFICER TRAINING INFORMATION

Date Last Qualified:	Qualification Scores Last 4 Quarters (In Order of Recency): Latest: Oldest:	Average Annual Score:
What Training Assisted the Involved Officer / Training Recommendations:		

SUSPECT INFORMATION

(Complete a Separate Form NFTTU-10 for Each Suspect Involved)

Name:			AKA(s):		Sex: ☐ Male ☐ Female
Height:	Weight:	Age:	Ethnicity:	FBI Number:	Other Information:
Prior Arrests (Show Date, Offense and Disposition):					

SUSPECT FIREARM (AND MISC. WEAPONS) INFORMATION

(List Additional Firearms Used by Same Suspect on Supplement)

Manufacturer:	Model Name / Number:	Type (Pistol, Rifle, etc.):	Caliber:	Barrel Length:
Bullet Type:	Bullet Weight:	Rounds Fired:	Additional Firearms Used: ☐ None ☐ See Supplement	
Non-firearm Weapon Information: ☐ Edged Weapon ☐ Rocks ☐ Chemical Device ☐ Animal ☐ Hands, Fists, Feet ☐ Other Blunt Instrument ☐ Vehicle ☐ Other:				

SUSPECT INCAPACITATION INFORMATION

(Complete This Section Only if Suspect Was Shot)

Degree and Duration of Incapacitation: ☐ Check This Box if Suspect NOT Shot				
☐ NO Incapacitation	Occurred Within:	☐ 0-3 Sec.	☐ 4-6 Sec.	☐ Over 6 Sec.
☐ PARTIAL Incapacitation	Occurred Within:	☐ 0-3 Sec.	☐ 4-6 Sec.	☐ Over 6 Sec.
☐ FULL Incapacitation	Occurred Within:	☐ 0-3 Sec.	☐ 4-6 Sec.	☐ Over 6 Sec.
Ability to Respond to Threat Was Regained Within:		☐ 0-5 Sec.	☐ 6-10 Sec.	☐ Over 10 Sec.

Use this supplement to record Involved Officer firearms and/or Suspect weapons that are additional to those shown on the original NFTTU-10. Firearms or other weapons used by ADDITIONAL Involved Officers and/or Suspects should be shown on ADDITIONAL NFTTU-10's submitted for those parties.

INCIDENT IDENTIFICATION INFORMATION

Reportable Shooting Incident Number:	OPR Incident File Number:	Name of Primary Involved Officer:
--------------------------------------	---------------------------	-----------------------------------

ADDITIONAL INVOLVED OFFICER FIREARM INFORMATION

Manufacturer:	Model Name / Number:	Type (Pistol, Rifle, etc.):	Rounds Fired:	Caliber:	Barrel Length:
Bullet Type:	Bullet Weight:	Firearm Ownership: ☐ ICE-issued ☐ Personal		Additional Firearms Used: ☐ None ☐ See Supplement	

ADDITIONAL INVOLVED OFFICER FIREARM INFORMATION

Manufacturer:	Model Name / Number:	Type (Pistol, Rifle, etc.):	Rounds Fired:	Caliber:	Barrel Length:
Bullet Type:	Bullet Weight:	Firearm Ownership: ☐ ICE-issued ☐ Personal		Additional Firearms Used: ☐ None ☐ See Supplement	

ADDITIONAL SUSPECT FIREARM (AND MISC. WEAPONS) INFORMATION

Manufacturer:	Model Name / Number:	Type (Pistol, Rifle, etc.):	Caliber:	Barrel Length:
Bullet Type:	Bullet Weight:	Rounds Fired:	Additional Firearms Used: ☐ None ☐ See Supplement	
Non-firearm Weapon Information: ☐ Edged Weapon ☐ Rocks ☐ Chemical Device ☐ Animal ☐ Hands, Fists, Feet ☐ Other Blunt ☐ Vehicle ☐ Other:				

ADDITIONAL SUSPECT FIREARM (AND MISC. WEAPONS) INFORMATION

Manufacturer:	Model Name / Number:	Type (Pistol, Rifle, etc.):	Caliber:	Barrel Length:
Bullet Type:	Bullet Weight:	Rounds Fired:	Additional Firearms Used: ☐ None ☐ See Supplement	
Non-firearm Weapon Information: ☐ Edged Weapon ☐ Rocks ☐ Chemical Device ☐ Animal ☐ Hands, Fists, Feet ☐ Other Blunt ☐ Vehicle ☐ Other:				

ADDITIONAL INFORMATION / TEXT CONTINUATIONS

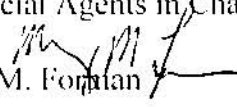
Specify the Section of the NFTTU-10 to Which This Continuation Applies:



U.S. Immigration
and Customs
Enforcement

AUG 20 2007

TO: All Special Agents in Charge and Field Office Directors

FROM: Marcy M. Foran  John P. Torres 
Director, Office of Investigations Director, Office of Detention and Removal Operations

SUBJECT: DRO/OI Protocols

The Offices of Investigations (OI) and Detention and Removal Operations (DRO) announce the issuance of the attached DRO/OI Protocols. They are the result of joint alliance between the OI and DRO, written in the spirit of establishing one ICE culture, regardless of assignment or program, with all components working together in a joint effort to ensure the continued success of ICE.

The enforcement protocols provide a road map for the critical roles played by each program; identify the goals, objectives and mission of each program; and provide building blocks for enhanced ICE partnership. Most importantly, the document ensures that the complimentary roles of both programs continue to develop as the external demands increase. As we continue to work and grow together in a collaborative effort, we will further build upon the foundation set forth within this document.

Please disseminate the attached to all personnel within your areas of responsibility. As we move forward, we will continue to assess the parameters defined herein to assure they remain effective and relevant as the agency mission continues to evolve.

At the end of the day, we as an agency must continue to work together to secure the Homeland, and continually work to achieve the goals outlined in the attached protocols. While we must accept that both programs face limited capacities, we are committed to work together at all levels to ensure the success of both programs as we move forward.

ENFORCEMENT PROTOCOLS FOR ICE OFFICES OF INVESTIGATIONS AND DETENTION AND REMOVAL

Faced with an enormous challenge, it is essential that the ICE Office of Detention and Removal (DRO) and the ICE Office of Investigations (OI) communicate, collaborate and cooperate in their respective and complimentary immigration enforcement missions. To ensure this occurs, the following enforcement protocols are being established to eliminate any confusion on the part of either program. These protocols will provide definitive national guidance for the interaction of both programs but can be superseded by local protocols mutually developed by DRO FODs and OI SACs within their respective areas of responsibility, with the concurrence of the DRO and OI HQ Directors.

MISSIONS

Office of Investigations – OI is the largest investigative component within the Department of Homeland Security (DHS). OI, within ICE, is responsible for conducting criminal investigations for violations of immigration and customs statutes.

Office of Detention and Removal – DRO is a rapidly expanding program with the responsibility for ensuring that all removable aliens are detained in a safe environment and expeditiously removed from the United States. DRO has the responsibility for detaining and removing illegal aliens apprehended by ICE, CBP and, as resources allow, other law enforcement entities.

It is the vision of ICE for DRO to assume primary responsibility for non-investigative administrative arrests, for example, state and local law enforcement response to interdiction of immigration violators or probation and parole referrals. SACs and FODs are encouraged to initiate discussions to implement transfer of these responsibilities in areas where the FOD has the resources and can meet current goals and priorities. Absent sufficient local resources, headquarters staff from OI and DRO will meet quarterly to assess the resource requirements needed to transfer this responsibility.

Key Points – Facing a common formidable immigration responsibility, as key programs within a single agency, OI and DRO will seek to support each other wherever, whenever and however possible. In addressing their complimentary immigration enforcement missions, OI may conduct administrative immigration enforcement, such as worksite or gang enforcement related to its criminal work and DRO may conduct criminal immigration enforcement related to its administrative work. Neither area is exclusive to either program. However, both programs will take all measures to ensure that the other is fully cognizant of their related enforcement efforts in order to eliminate redundancy and enhance officer safety. Further, DRO will gain the concurrence of OI before undertaking any criminal immigration enforcement efforts except for those Title 8 USC 1326 criminal cases evolving from DRO's CAP and Fugitive Operation efforts, Title 8 USC 1252 (Violating Conditions of Release Pending Deportation & Preventing Deportation) and

Title 8 USC 1253 (Penalties Related to Removal).¹ An OI response to any such DRO inquiry should be forthcoming within 24 hours of receipt. It is expected, following the full vetting of DRO criminal targets, that in most instances, DRO will proceed with its planned criminal enforcement efforts.²

PROTOCOLS

Coordination – In order to coordinate their respective law enforcement operations and to more effectively coordinate their respective interaction with other law enforcement and intelligence gathering agencies, OI and DRO will adhere to the following guidelines:

- FODs and SACs will, at a minimum, meet on a monthly basis to discuss items of mutual concern and to coordinate efforts between the two offices at the field level. Within HQ, the OI and DRO Assistant Directors for Operations will meet monthly to discuss national operational issues.
- SACs and FODs will designate, within their respective offices, a senior manager at no less than the ASAC or AFOD level to act as the principal liaison to their counterpart component. These liaisons will act as the primary points of contact for OI and DRO within each AOR.
- FODs and SACs will collaborate regarding staffing levels to ensure that their respective offices are responsive to inquiries/referrals from their counterparts and will make contact numbers for duty agents/officers available. The liaison ASACs and AFODs or their designated representatives will be available 24/7 for call-out support to coordinate after hours response.
- Media and Congressional interactions will be coordinated to ensure both entities are fully aware of any media releases and significant congressional inquiries regarding operations.
- OI and DRO will collaborate in operational planning at the earliest opportunity when it is anticipated that resources will be requested or impacted by an enforcement action.
- At all levels, prior to implementation, DRO and OI will coordinate the development of any internal policy or procedure change that is likely to impact the other.

¹ In instances when the violator has a history of core violations that fall under the purview of OI notification to the OI duty agent is required.

² DRO may present cases for prosecution for criminal violations in accordance with the points outlined within this document.

- SACs and FODs will facilitate training of their counterpart employees. Local OI offices will develop briefings to familiarize DRO personnel with their investigative priorities and the various types of criminal investigations conducted by OI to assist DRO personnel in making informed decisions on how to proceed upon the initial encounter of criminal evidence, information or assets for seizure. Particular regard will be paid to Human Smuggling and Trafficking, Bulk Cash Smuggling, narcotics and weapons smuggling, and National Security matters.
- FOD offices will develop briefings to familiarize SAC personnel with local priorities and procedures related to CAP, the National Fugitive Operations program, Detention Management, removal processing, and the appropriate processing of juvenile detainees.
- FODs and SACs will also be encouraged to establish additional developmental training assignments for newly hired DRO and OI personnel.
- When OI becomes cognizant that an immigration fugitive is also the subject of an OI criminal investigation, OI will notify and coordinate with DRO. Similarly, when DRO becomes cognizant that a Fugitive Operation's target is also the subject of an OI criminal investigation, DRO will notify and coordinate with OI. De-confliction at the earliest possible time is in the best interest of both programs.
- OI will notify DRO of confidential informants or cooperating defendants who are known to be, or suspected of being, foreign fugitives or immigration fugitives.³ DRO will work with OI to ensure that those individuals are not taken into custody by Fugitive Operations Teams until coordinated with OI.
- SACs and FODs will maintain metrics for responses to all local calls for assistance.

Investigative Referrals -

- DRO will refer all matters of suspected national security interest or criminal activity involvement, not defined within this document, to OI immediately upon discovery. This includes whether the information is self-generated or derived from a third agency.
- Any information obtained by DRO from detainees or fugitives related to any criminal activities normally investigated by OI or by another federal agency will be referred to OI for dissemination to the appropriate third agency, i.e., FBI, DEA, ATF, etc.

³ Foreign fugitive is defined as a subject amenable to an ICE administrative arrest and wanted by a foreign law enforcement entity for violations of local law.

- OI will immediately refer all matters relating to foreign or immigration fugitives to DRO. If the matter involves an on-going criminal investigation, OI and DRO will coordinate appropriately as defined by these protocols.

Case Management –

- Both DRO and OI will utilize TECS case management and SEACATS to document Reports of Investigation (ROI), criminal arrests, and seizures. SAC offices will enter DRO seizures into SEACATS pending OI training of DRO personnel to assume this responsibility.
- Evidence that is discovered by DRO and subsequently seized by ICE will be entered into SEACATS with DRO as the seizing entity. This will allow DRO to track seizures made as a result of their operations.
- Administrative processing of removable aliens will be conducted by OI and DRO using ENFORCE.

De-confliction –

- For officer safety purposes, OI will provide a briefing to DRO regarding the existing local de-confliction centers or mechanisms within their respective area of responsibility. DRO will take the necessary steps to participate in the local de-confliction center.
- OI will notify DRO of the identification of known foreign or immigration fugitives in advance of any premeditated enforcement action or immediately after an enforcement activity if not known beforehand.
- OI will create timely TECS records to ensure that subjects, vehicles, addresses and organizations of investigative interest to OI can be identified by DRO prior to DRO enforcement operations. DRO and OI will conduct the following TECS queries on all known targets, vehicles, addresses, organizations, and employers prior to their enforcement actions: Subject (SQ11); Vehicle (SQ13); Address (SQAD); Organizations (SQ16).
- DRO and OI will conduct the same TECS queries on all aliens who are arrested and administratively processed incidental to a planned apprehension and notify the case agent or officer of any positive results.
- Under the umbrella of Community Shield, OI and DRO will collaborate in the planning of all operations targeting known or suspected members of any street gangs. As such, all statistics will be captured under the Community Shield umbrella. OI will provide DRO the statistical guidance for data collection.

- Administrative arrests of gang members by ICE will be entered into ENFORCE and TECS. SAC offices will enter DRO arrests into TECS pending OI training of DRO personnel to assume this responsibility.

Transportation/Processing/Detention Support –

- As partner programs within the same agency, DRO and OI will coordinate transportation, processing and detention support as delineated below.
- OI will retain responsibility for the administrative processing of aliens arrested incidental to their criminal and administrative investigations. However, in all joint operations, DRO and OI will coordinate and share all administrative processing and transportation responsibilities.
- It is the vision of ICE, in areas where feasible, that DRO and OI will collaborate to develop transportation and processing contracts.
- DRO is responsible for detention and transportation budgets and accountability. FODs and SACs will work together to identify and remedy detention and transportation deficiencies within their AOR and will jointly identify solutions including the use of inter-governmental service agreements (IGSAs).

Conflict Resolution –

- FODs and SACS are strongly encouraged to resolve conflicts at the lowest level.
- Matters of disagreement or dispute regarding daily operations shall be timely addressed and resolved. Issues that cannot be satisfactorily resolved between the AFODs and ASACs will be brought to the attention of the FOD and SAC for immediate resolution.
- In the unlikely event that an issue cannot be resolved at the FOD/SAC level, both the FOD and SAC shall prepare a written summary of the issue, which will be reviewed jointly by the DRO and OI Assistant Directors for Operations.



John P. Torres
Director
Office of Detention and Removal Operations



Marcy M. Forman
Director
Office of Investigations

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 01-28-01 BY 304



U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: Field Office Directors

FROM:

(b)(6),(b)(7)(C)

SUBJECT: Operation Predator Notices for Interpol

Purpose

Recently, each Field Office Director received a list of Operation Predator cases identified for their respective area of responsibility as well as instructions for completing Interpol Green Notice applications on each case. This memorandum serves as follow-up to that message and establishes policy for future case preparation in regards to cases removed pursuant to Operation Predator.

Background

The location, apprehension and removal of Operation Predator violators continues to be a priority for Immigration and Customs Enforcement (ICE). It is ICE's intent to ensure that these predators do not prey upon others upon their return to their country of origin. In light of this, an agreement has been reached between ICE/DRO and Interpol, U.S. National Central Bureau (NCB). Interpol-NCB will post Operation Predator cases in their database and provide Green Notice flyers to law enforcement agencies internationally to ensure these cases get the attention they require.

Discussion

Interpol maintains a system of five color-coded advisory notices on individuals and another five advisories for criminal operations (groups), property and criminal activities. All Interpol notices are available internationally through their database but, for the most part, their active distribution is restricted to locations where the subject of the advisory is likely to be encountered.

A Green Notice is an Interpol generated advisory that "provides information on career criminals who have committed, or are likely to commit, offenses in several countries (habitual offenders, child molesters, pornographers)". Operation Predator cases meet this definition. Interpol will be made aware of Operation Predator cases through the completion of Green Notice applications (attached).

Operation Predator Notices for Interpol

Page 2

Action

Effective immediately, a Green Notice Application will be completed at the time the Request for Escorted Country Clearance (RECC) is made. The application, together with a photo and a full set of prints, should be sent electronically to the (b)(7)(E) or, if not possible, by FEDEX to: DHS/ICE/DRO, 801 "I" Street, NW, Suite 800, Washington, D.C. 20536 Attn: HQFugOps/Interpol once the subject has been formally removed. A copy of the application is to remain in the A-file annotated with the date the application was forwarded to HQFUGOPS as well as the date of removal.

Efforts are currently underway to create the form electronically. In the interim, the application will be made available through the intranet at (b)(7)(E)

If you should have any questions, please contact (b)(6),(b)(7)(C) Chief, HQ Fugitive Operations at (202)353-(b)(6),(

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

SEP 10 2014

MEMORANDUM FOR: David J. Venturella
Acting Director

THROUGH: Marc J. Moore
Assistant Director
Field Operations

FROM: (b)(6),(b)(7)(C)
Management

SUBJECT: Revised DRO Nationwide Radio Handbook

Purpose

The Office of Detention and Removal Operations (DRO), Mission Support Division (MSD), is requesting review and concurrence on the attached recently updated *DRO Radio Handbook*. This updated handbook provides essential guidance and important procedures to DRO personnel in the areas of tactical communications, administration and management.

Background

The Fleet, Inventory, and Communications Unit (FICU) is part of MSD within DRO. Approximately two months ago, this manual was approved by the DRO Director and Management then disseminated to DRO Field Offices; however, some minor changes relating to contact information and general descriptions were made and are reflected in the updated version.

Discussion

DRO FICU has enclosed the original *DRO Radio Handbook* displaying the modifications which were inserted and/or removed. These updates are identified by the number tabs in red. Following the original handbook is the revised handbook reflecting the changes of the removals and/or additions, which are identified by number tabs in yellow. The tabbing and numbering are to assist in identifying the final updated revisions. The removal of a map, contact personnel information, and modifications to details are examples of the updates removed from the handbook.

SUBJECT: Revised DRO Nationwide Radio Handbook

Page 2

Recommendation

It is recommended that the Director approves and signs the revised *DRO Radio Handbook* and that the MSD be authorized to disseminate it to all DRO Field Offices.

Approve/date (b)(6),(b)(7)(C) Disapprove/date _____

Modify/date _____ Needs more discussion/date _____

Attachment: (2)

DETENTION AND REMOVAL OPERATIONS RADIO HANDBOOK

Foreword	3
Introduction	4
Contact Information	5
C-100 Services	5
Primary (Officer Safety)	6
Secondary Functions	7
System Operation	7
Radio Discipline	9
Network Communication Security	10
Basic Equipment Operation	11
Radio Call Signs	11
Emergency Communication Procedures	12
Suspicious Boarding Communication Procedures	13
Over-The-Air Rekey (OTAR) Program	13
National Maintenance Program	16
Appendix A - Law Enforcement Database Queries	17
Appendix B - Field Support Area Managers	19
Appendix C - Call Sign Prefixes	22
Appendix D - OTAR Areas of Responsibility	23
Appendix E – Sunflower Entry.....	24
Appendix F – Sunflower Transfer	30
Appendix G – Sunflower Acceptance/Transfer/Withdrawal.....	32
Glossary of Common Radio Communication Terminology	34
NLECC Network 10-Codes and Phonetic	38

Foreword

This inaugural Office of Detention and Removal Operations (DRO) radio handbook is a first step in supporting and improving radio communications for DRO personnel and it would not have been possible without the help of personnel from both the National Law Enforcement Communications Center (NLECC) and the Technical Maintenance Facility (TMF). Much of the information in this document was supplied by these partners.

The Immigration and Customs Enforcement (ICE), National Incident Response Unit (NIRU) Technical Maintenance Facility (TMF) was established in 1995 to provide 2-way radio system and subscriber support to the Immigration and Naturalization Service and the U.S. Border Patrol. After 9/11/01 the TMF was realigned with the Department of Homeland Security and ICE. The TMF is located in Largo, MD (approx 12 miles from D.C.) and provides a national digital radio network for ICE with full Key Management Facilities for OTAR.

The National Law Enforcement Communications Center (NLECC), frequently referred to as "C-100" was created in 1995 and is located in Orlando, Florida.

With the advent of new and dynamic mediums in telecommunications and land mobile radio arenas the TMF and NLECC is poised on the leading edge of the law enforcement support evolution. By combining genuine state-of-the art equipment with many talented and knowledgeable support personnel, thousands of federal, state and local law enforcement officers are able to complete their mission in a more efficient and safe environment.

Introduction

The purpose of this handbook is to provide radio users with information to assist them in their day-to-day operations as related to radio communications. Two vital components in this endeavor are the TMF and the NLECC. The main objective of the TMF and NLECC nationwide VHF Radio communications networks is to contribute to the success of the federal law enforcement mission by providing federal law enforcement officers, along with their state and local counterparts, a modern communications system and the support services needed to perform their respective functions efficiently and effectively.

To meet this objective, it is necessary that the network meet the needs of various organizations, provide for safety of enforcement personnel where possible and be responsive to changes in mission and objectives.

To obtain maximum value from the system, each user should have a complete and thorough understanding of the operation of the system, and of the services that are available. Because so many different agencies utilize our communications services and frequencies, it is essential that all users abide by the approved operating procedures.

This Handbook contains policies and procedures in addition to basic information on what the system is, what it can do and how it should be utilized. This Guide is not intended as a substitute to your formal training; rather it is a supplement to tactical communication training and a convenient personal source of reference. The TMF and NLECC Land Mobile Radio Networks is an important tool. When properly utilized, it can be an invaluable asset. Use it, use it often, and use it correctly – your life may depend upon it.

System Overview

The TMF Land Mobile Radio Network is designed to provide wide-area P25 digital radio coverage for ICE. Coverage is augmented by the NLECC Land Mobile Radio Network.

The NLECC Land Mobile Radio Network is designed to provide radio coverage along the entire perimeter of the United States, along with any other areas where authorized users require radio coverage. The system is controlled from and by the NLECC located in Orlando, Florida. It is comprised of a series of fixed radio repeaters, strategically located, that are linked directly to the NLECC (C-100) consoles. These consoles are staffed for 24-hour operation and provide a variety of essential services and emergency assistance. It is intended that the principles of radio operation, discipline, and procedures covered in this Guide apply to all subscribers.

DRO Radio Points of Contacts (RPOC)

The DRO Radio Point of Contact (RPOC) will assist in resolving issues and problems related to handheld/portable and mobile radios. These RPOC will be able to communicate directly with ICE's TMF. Training for RPOCs will be provided by TMF and the NLECC on the actual programming of the radios. This will assist in a timely resolution to problems of this nature.

RPOCs will be responsible for providing assistance and helping to resolve issues/problems related to the following:

- (b)(7)(E)
-
-
-
-
-
-

TMF Services

The TMF provides 2-way radio system and subscriber (portable and mobile) support service to ICE Office of Investigation and DRO offices nationwide.

Support includes but is not limited to:

- Radio network management, design and expansion
- (b)(7)(E)
- Mobile (vehicle) radio installation and removal support
- Mobile glass, roof and trunk mount antennas
- Subscriber radio distribution
- Subscriber radio programming at the TMF or on-site
- Base station (consolette) and remote installation and installation troubleshooting and repair
- Radio System support on site
- Accessories; batteries, antennas, holsters, etc.

(b)(7)(E)

(b)(7)(E)



Radio Recording

All repeater traffic is recorded and kept on file for 7 days.

Master Station Log (MSL)

The MSL is a written record of all activity performed by C-100, including the time, date, requester, action taken and disposition. This information is kept indefinitely.

(b)(7)(E)



(b)(7)(E)

1-800-BE-ALERT

This national hotline, in which anonymous callers can report suspected customs violations, is administered by C-100. Information is received, preliminary validation checks are run, and if applicable, information is forwarded to appropriate organizations/officers.

System Operation

Within our network, typical radio traffic occurs on one of two types of frequencies. In either mode listed below, the communication is "line-of-sight". To improve your communication range, ensure that your antenna is as high as possible and you are in an open, outdoors environment. Also remember that in an analog radio network (typical for most of the country); there is a 30% range loss in the coded mode versus the clear mode. See the "Network Communication Security" section for more information.

(b)(7)(E)

ICE also has their own repeater network, but unlike the CBP network, the ICE network is 100% P25 digital which provides much better range and clarity. The ICE network is a multi-cast network which means multiple repeaters are linked together digitally and provide radio to radio coverage over a much larger area. Examples of wide area coverage systems are:

Washington, Baltimore, Pennsylvania, New York, New Jersey, New England, Atlanta, Houston, Dallas, Arizona, El Paso, Los Angeles, Las Vegas, Iowa, and the Carolinas. We are currently building our and expanding new systems.

Radio in Conjunction with DRO Uniform

It is mandated that while in an authorized DRO uniform, a portable radio must be worn at all times. This policy applies to Immigration Enforcement Agents (IEA) and Deportation Officers who may be assigned a uniform due to their participation in specific programs or collateral duties such as the Criminal Alien Program (CAP), Fugitive Operations (FugOps), and tactical units. IEAs are expected to be in uniform at all times while on duty, unless given specific instructions to the contrary by a supervisor.

Radio Acquisition

All requests for acquisition of DRO radios will be forwarded to the DRO Fleet, Inventory, and Communication Unit (FICU) via official memorandum signed by the Field Office Director (FOD). This memorandum should include:

- Total number of radios requested;
- The using program (FugOps, CAP, Alternatives to Detentions);
- Type of radio(s) requested; and
- All required accessories.

FICU will forward the request to the appropriate purchasing program at headquarters (HQ) for approval and funding. Once approved and funded the radio request will be forwarded to the ICE Technical Maintenance Facility (TMF) for purchasing. All radios and radio equipment will be delivered to the TMF.

Note: It is the responsibility of the DRO Property Custodians to ensure that all radio records entered into Sunflower are accurate. If there are any discrepancies (missing acquisition documents, missing Sunflower records, inaccurate Sunflower records) the Property Custodian should contact their local RPOC. **All radios must be entered into Sunflower regardless of cost.**

Radio Discipline

Discipline is the most important element in the successful operation of the Nationwide Radio Communications Network. Every individual who uses the system should be thoroughly familiar with the standards of discipline expected of all users. Users of the system should adhere to the following standards of discipline:

- All transmissions are restricted to official business;
- All transmissions shall be brief. Profanities, frivolous conversations, and excessive transmission times are prohibited;
- Direct (TAC) frequencies/channels will always be used instead of repeater (NET) frequencies/channels in areas where direct communication is possible;
- Communications will begin with the call sign of the addressed party followed by the caller's call sign;
- Only authorized call signs should be used;

- Only approved ten codes should be used (plain language may be used);
- No classified information may be discussed over the radio network;
- The coded mode will be used for all transmissions whenever possible. Sensitive information should only be discussed in the coded mode;
- Unnecessary use of emergency procedures is prohibited; and
- Radio users who have notified C-100 of an emergency situation will inform C-100 when the emergency has been cleared.

The enforcement of discipline on the NLECC Nationwide Radio Communications Network has been delegated to C-100. Violations of radio discipline by users will be reported to the appropriate office or superior of the offending user for corrective action. Flagrant or repetitive violations may result in disciplinary action.

Network Communication Security

All radio communications should be treated as though unauthorized persons are listening. All transmissions must be made in the (10-10) coded mode whenever possible.

Other security safeguards, which should be practiced by users, are:

- Do not transmit classified information over the system;
- Do not give frequencies to unauthorized individuals;
- Do not link the name of the user with the radio call sign;
- Do not transmit home telephone numbers or any other personal information over unprotected frequencies;
- Do not transmit/discuss sensitive information over the radio in the clear mode; and
- While in the clear mode, criminal history information can only be transmitted over the radio in certain situations. Only criminal histories that may impact officer safety (i.e. resisting officer with violence, carrying a concealed weapon, etc.) can be transmitted. Other types of criminal history (i.e. forgery, DUI, etc.) cannot be transmitted in the clear mode.

Whenever radios are in a public environment, caution should be taken to prevent unauthorized monitoring of traffic.

Basic Equipment Operation

There are several different types of radios that are supplied to users of our network for message transmission and reception. Basic instruction on how to operate the radio is included in the owner's manual supplied with each radio. Any additional questions concerning the operation of the equipment should be referred to your supervisor, or the local technician assigned to your area. See Appendix B for the location and contact number for your local radio shop. In addition, the NLECC Training Unit has wallet-sized reference guides available for each type of radio. The Training Unit can be reached at 407-975-(b)(6), (b)(7)(C).

Message Transmission Procedures

During message transmission, the following basic radio procedures shall be used. Departure from, or variations in these procedures can create confusion and reduce reliability and efficiency. Where the procedure does not cover a specific operating requirement, initiative and common sense should be used.

It is fundamental that all users be familiar with radio 10-codes and the phonetic alphabet (See page 38) and 24-hour "military" time. The phonetic alphabet is useful in interpreting the spelling of names, license plates, registration numbers, etc. The 24-hour time avoids confusion as to morning or afternoon, and the radio 10-codes are used to achieve brevity and immediate understanding.

The priority used by (b)(7)(E) for responding to incoming radio messages is as follows:

1. Emergency situations such as threats to life, persons in danger, and/ or emergency medical assistance requests. Typical examples include pursuits, shootings, accident scenes, etc;
2. Other urgent, and potential officer-safety situations; typically consisting of vehicle and vessel stops, boardings, residence entries, surveillance, etc; and
3. Routine traffic, including pages, relays, database query request, informational calls, etc.

Important Note: All ICE users must transmit in coded/secure mode. All routine radio calls are handled on a first-come, first-serve basis. Emergency radio calls will receive priority over routine calls.

Radio Call Signs

Radio call signs for use in the system are formatted in a standard alphanumeric sequence, which identify the State, organization, office location, and individual user. Only authorized users of the system will be assigned call signs. The appropriate field office or headquarters, in accordance with the approved standard operating procedure, makes call sign assignments. Sector must be notified of all call sign assignments, changes, and deletions.

The NLECC (Communications Operations Branch) is responsible for radio call sign assignments to other-agency users after these users have received authorization to use the NLECC Radio Network. Generally, individual users receive their assigned call sign from their supervisor." See Appendix C for call sign assignments and format.

NOTE: Your call sign is the sole way that you will be identified on the radio network, if your call sign is incorrect, you will be denied C-100 services until you can be properly identified.

Ten Codes

The purpose of these 10-codes is to allow for the efficient and effective passing of information, sometimes under radio conditions that are less than ideal. Each user may elect to use the approved 10-codes or plain language.

Our 10-codes have been selected based on their relevance to our varied missions. Other agencies use different codes, and to prevent miscommunication, it is imperative that only our authorized 10-codes are utilized on our Network.

Establishing Communications

When making a radio call, always use the other station's call sign first and your call sign last. Users will hear their own call sign and then concentrate on the call sign that follows. Using the regional prefix numbers helps to assure receipt of the alphabetical designator.

(b)(7)(E)

In general, each user should:

- Be familiar with the call signs and locations of other users in an operation;
- Pause a second or two between transmissions so users with urgent traffic can break in;
- Always wait 1½ seconds after pressing the Push-to-Talk button before starting to speak;
- When transmitting, hold the microphone about six inches away from your mouth and speak in a normal voice. In a noisy environment, move the microphone closer to your mouth;
- Use call signs to maintain continuity as appropriate for traffic volume or as requested by (b)(7)(E);
- Conduct radio checks when entering areas that may have poor reception before the start of an operation; and
- Acknowledge each received call, either by advising "10-4", or using some other appropriate terminology. If your transmission is unacknowledged, you must assume the message was undelivered.

Emergency Communication Procedures

A user, who requires use of the channel on an emergency basis, while it is in use by others, should break-in during a pause between transmissions.

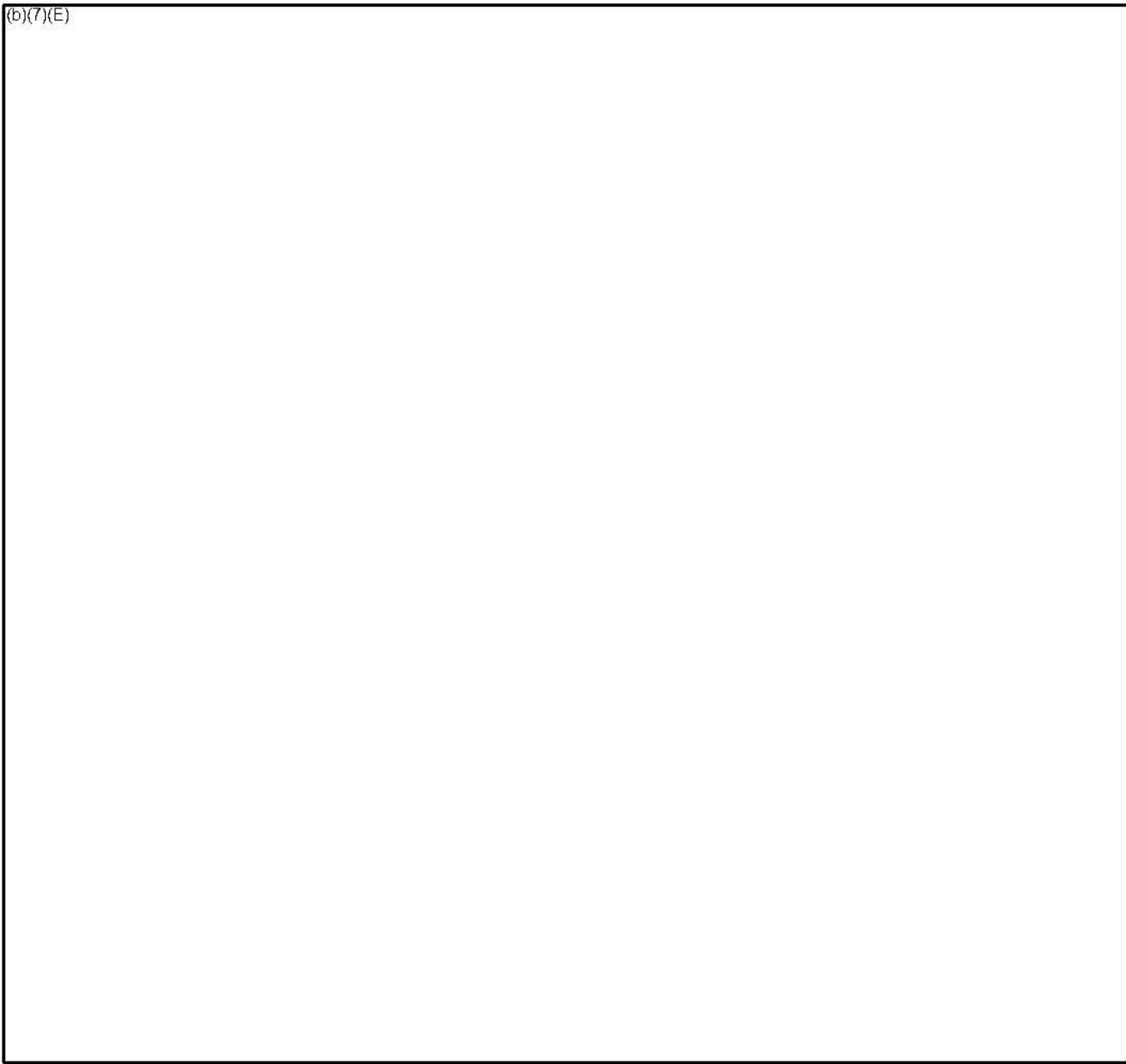
In an emergency, users should break-in with the word "emergency". All stations hearing the word "emergency" shall stop transmitting, listen carefully, and prepare to receive a message and take action. The user will then transmit the emergency message.

If there is no time to verify that the channel is clear, or to wait for a pause between transmissions, or if no response is made, it may be necessary to transmit the user's call sign, situation, location and requirements, and trust that C-100 or another user has received the message. In this situation, repeating the message whenever possible will increase the probability that it will be received.

Suspicious Boarding Communication Procedures

Two-way communication is essential in suspect vehicle stops, vessel or aircraft boardings, house entries and other potentially dangerous situations. In each of these activities, users will:

(b)(7)(E)



With the advent of the OTAR program, it is now possible to use the existing radio network to perform the work of the KVL. The OTAR program uses a central computer called the Key Management Controller (KMC) and the NLECC Radio Network to transfer, load and replace voice privacy keys in large groups of radios simultaneously and normally without any intervention on the part of the radio user.

The KMC is located at the National Law Enforcement Computer Center (NLECC).

(b)(7)(E)



Using the direct or car-to-car mode of operation in the clear mode does not provide protection from unauthorized interception. The only means currently available to protect sensitive law enforcement communications is through the employment of voice privacy encryption, as is available on the NLECC Radio Network.

(b)(7)(E)

National Key Standards -- DHS Users

DHS users on the ICE and NLECC network will utilize a standard series of voice privacy keys. This means that the exact same key is used in Los Angeles as in Chicago, New York or Miami. This ensures voice privacy communications are available to individuals operating outside their home area during protracted surveillance or controlled deliveries.

The key definitions are as follows:

(b)(7)(E)

National Key Standards -- Non-DHS Users

Non-DHS users on the NLECC network will utilize a standard series of voice privacy keys.

The key definitions are as follows:

(b)(7)(E)

3. Keys 3 – 8 are undefined and reserved for special operation.

Key Management Considerations in Operational Planning

- Roaming from one KMC area to another. Since the majority of voice privacy keys in use by the NLECC are national in scope, the only time a unit should have to roam (transfer from one KMC to another) is when the user's radio loses encryption capability outside of its home KMC area. Appendix D shows the area of responsibility of each KMC. Should roaming become necessary, simply advise C-100 and ask to be roamed and re-keyed.
- Radios must be checked to ensure that the appropriate keys are loaded and current prior to the commencement of the operation. It is strongly recommended that all radios used in an operation have a voice privacy radio check completed with (b)(7)(E) prior to commencing the operation.
- Limited Use Tactical Keys: Operation planners may decide the sensitivity of the operation dictates the use of a special or tactical voice privacy key for the duration of the operation. If a tactical voice privacy key is required, contact the Key Management Administrator at the NLECC to discuss limitations and implementation processes.

Lost or Stolen Radios

In addition to other prescribed procedures for reporting lost or stolen equipment, the loss of an (b)(7)(E) capable radio should immediately be reported to the Key Management Administrator at the NLECC and TMF. There are two basic reasons for making this report. First, the Administrator may be able to turn off or "kill" the radio if it is turned on, and on a NET channel. This will prevent unauthorized personnel from intercepting sensitive communications. Second, if the radio is known to be in the hands of counter law enforcement personnel, the Administrator can implement an emergency key change, thus making the stolen radio useless in the interception of protected transmissions.

Changes in Radio Ownership

Changes in radio (or vehicle with radio installed) ownership should be reported to the Key Management Administrator at TMF and NLECC. This will permit updating of the KMC/KMF database with current information.

Land Mobile Radio (LMR) National Maintenance Program

Program Scope

All ICE subscriber radio maintenance is covered under a Nationwide Maintenance Contract with Motorola.

Portable (handheld) radios needing maintenance are to be shipped to the Hi-Tech maintenance facility in Orlando. Maintenance forms and procedures are available from your Regional Manager.

Mobile (vehicle) radios requiring maintenance may be taken to local Motorola approved shop for troubleshooting and repair.

If repair to the radio deck is needed, the shop will send it to Orlando for depot level repair.

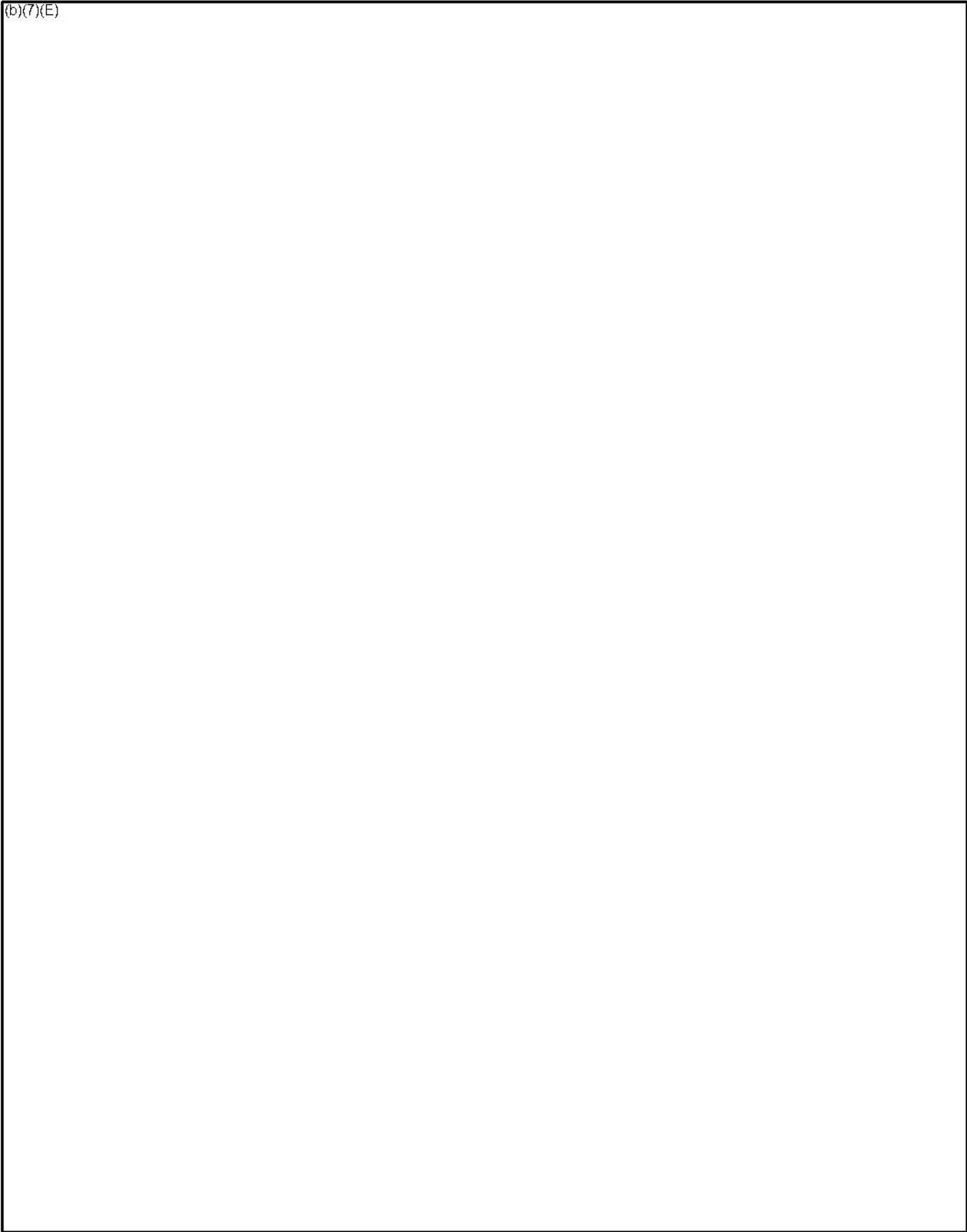
Units Covered include:

(b)(7)(E)

Contact your local Area Manager (See Appendix B) for specific National Maintenance Program options for your location.

Appendix A - Law Enforcement Database Queries

(b)(7)(E)



Internet Queries

National Marine Fisheries

www.st.nmfs.gov/st1/commercial access to vessel information through vessel name and U.S. Coast Guard documentation number.

Internet Fraud Complaint Center (IFCC)

www.ifccfbi.gov IFCC provides statistical data on current fraud trends.

Canada 411

www.canada411.sympatico.ca Canadian Phone Disk Directory

Global Phone Directory

www.globalyp.com/world.htm various state and local websites access to multiple law enforcement websites.

INS Database Queries

CIS (Central Index System)

Basic INS search for records.

NAILS (National Automated Immigration Lookout System)

Alien lookout records.

NIIS (Non Immigrant Information System)

I-94 records, travel data.

STSC (Student and School Visas)

School visa information.

CLAIMS (Computer Linked Application Information Management System)

INS application status information.

NADDIS (Narcotics and Dangerous Drugs Information System)

Obtained through EPIC (El Paso Intelligence Center) contains historical and current data on DEA cases and those of other Federal Law Enforcement Agencies.

ACCURINT

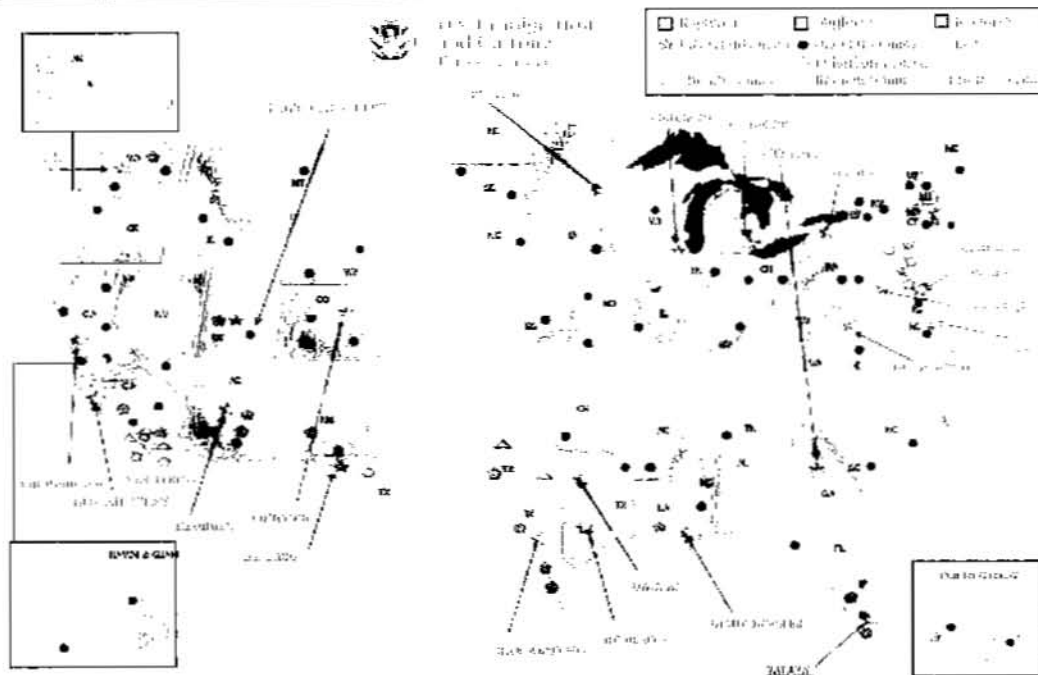
www accurint.com. An investigative/intelligence research tool that accesses hundreds of databases with billions of records in order to locate people, businesses and their assets. Find deep background and historical information, associates and relatives.

BLIS (Blue Lightning Information System)

Maintained by the South Florida Investigative Support Center. A marine database containing records on vessel boarding, sightings and private vessel reports in the South Florida area.

Appendix B – Field Support Area Managers:

Regions of Operational Responsibility for TMF NIRU/ICE/DHS



ICE/NIRU/TMF Contact Information

Chief, ICE/TMF

(b)(6),(b)(7)(C)

301-925 (b)(6),(b)(7)(C)

Program Manager ICE/NIRU

(b)(7)(C),(b)(6)

703-675-9983 (b)(6)
(b)(6),(b)(7)(C)

Region 1 Manager

(b)(6),(b)(7)(C)

301-386 (b)(6),(b)(7)(C)
202-369 (b)(6),(b)(7)(C)

Region 2 Manager

(b)(6),(b)(7)(C)

301-883 (b)(6),(b)(7)(C)
202-369 (b)(6),(b)(7)(C)

Region 3 Manager

(b)(6),(b)(7)(C)

301-883 (b)(6),(b)(7)(C)
240-676 (b)(6),(b)(7)(C)

NLECC Contact Information

National Toll Free Number: 800-973-2867

Direct Sector Lines:

East Team

Northeast Sector:

407-975-(b)(6),(b)(7)(C)
407-975-2055 (fax)

Southeast Sector:

407-975-(b)(6),(b)(7)(C)
407-975-2055 (fax)

West Team

Pacific Sector:

407-975-(b)(6),(b)(7)(C)
407-975-1991 (fax)

Central Sector:

407-975-(b)(6),(b)(7)(C)
407-975-1991 (fax)

Southwest Team

Southwest Sector (east)

407-975-(b)(6),(b)(7)(C)
407-975-2108 (fax)

Southwest Sector (west)

407-975-(b)(6),(b)(7)(C)
407-975-2108 (fax)

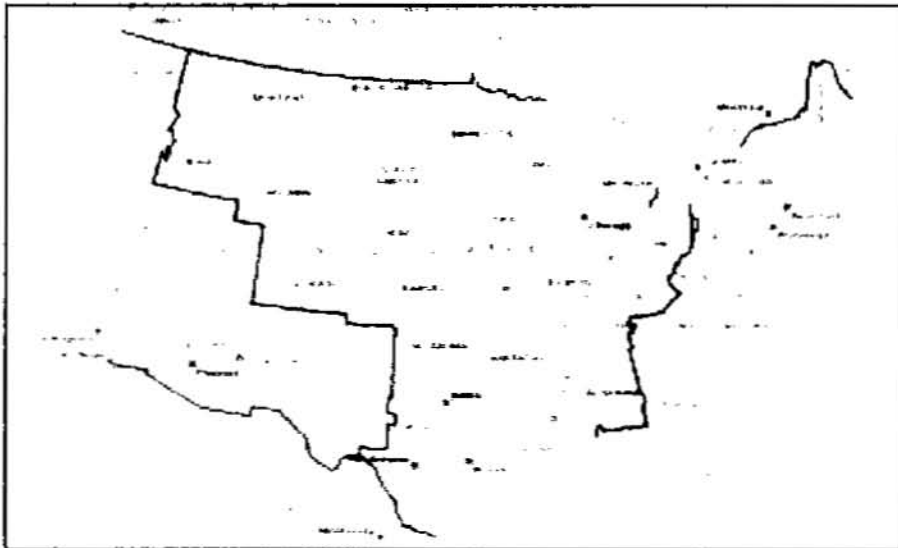
Appendix C – Sector Radio Call Sign Prefixes

Effective July 31, 2006, (b)(7)(E) changed the call sign system used on the NLECC Radio Network. The change replaced the regional number in front of the radio user's call sign with that of the state abbreviation where the office is located.

This change will affect CBP and ICE officers, and Fee-For-Service subscribers, that operate on the NLECC Radio Network. For example, the old call sign for an ICE agent in the New York area was 1A1222. With the new call sign change, the same agent's call sign is NY A1222, which would be spoken on the NLECC Radio Network as: "New York alpha twelve twenty-two."

(b)(7)(E)

Appendix D – CBI (b)(7)(E) Area of Responsibility



(b)(7)(E) Area of Responsibility		
West	Central	East
(407) 975 (b)(6), (b)(7)(C)	(407) 975 (b)(6), (b)(7)(C)	(407) 975 (b)(6), (b)(7)(C)
NLECC National Toll- Free Hotline 877-326-5322		

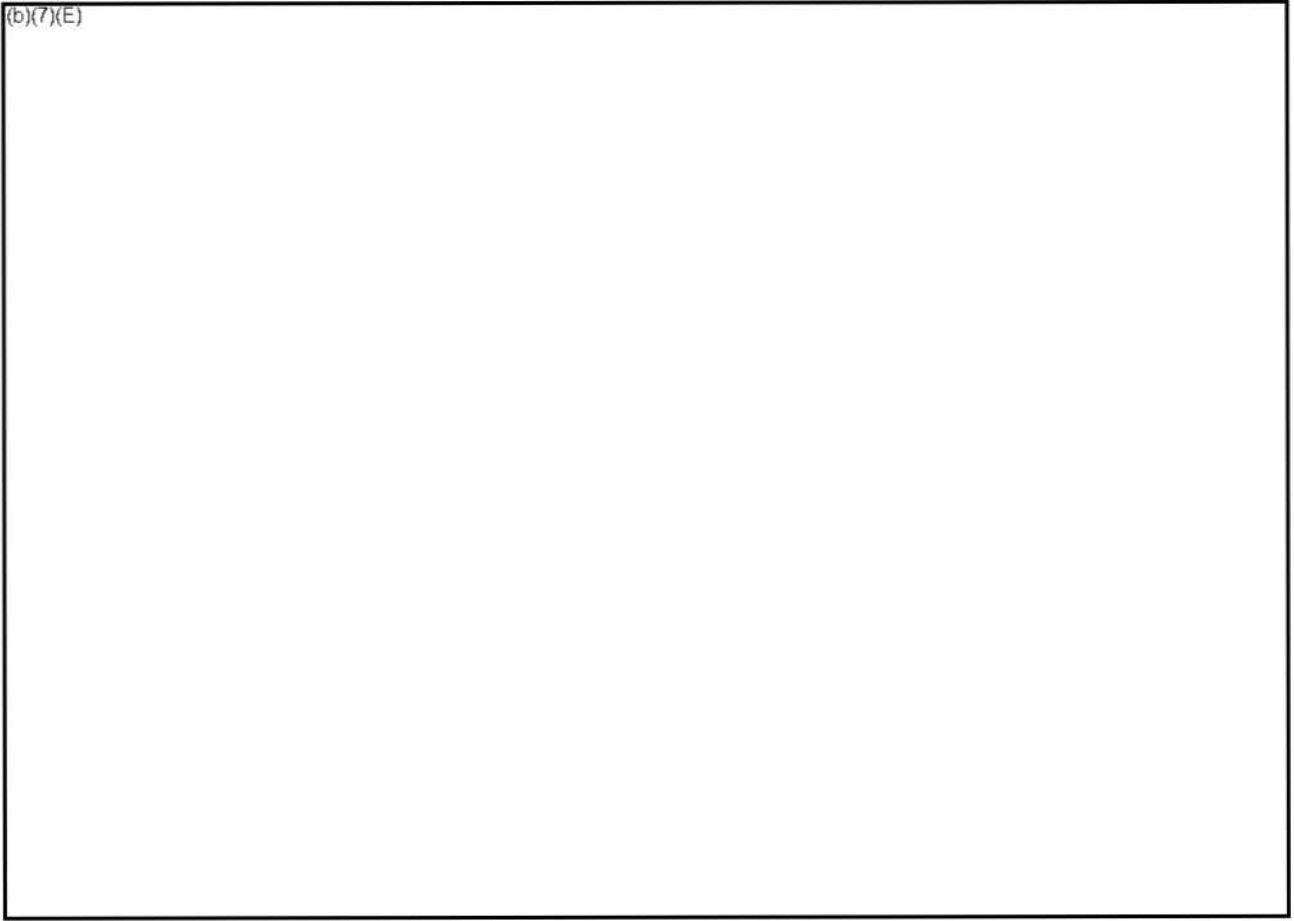
CBI (b)(7)(E) Area of Responsibility

- Coordinating all aspects of key management and voice privacy communications within a particular area of responsibility.
- Developing key management plans, policies and agreements for supporting authorized users.
- Acting as the technical experts in all (b)(7)(E) related matters.
- Introducing, implementing and maintaining nationwide voice-privacy keys, and ensuring compliance with national standards.

Appendix E – Sunflower Asset Entry

Create an Asset Record

(b)(7)(E)



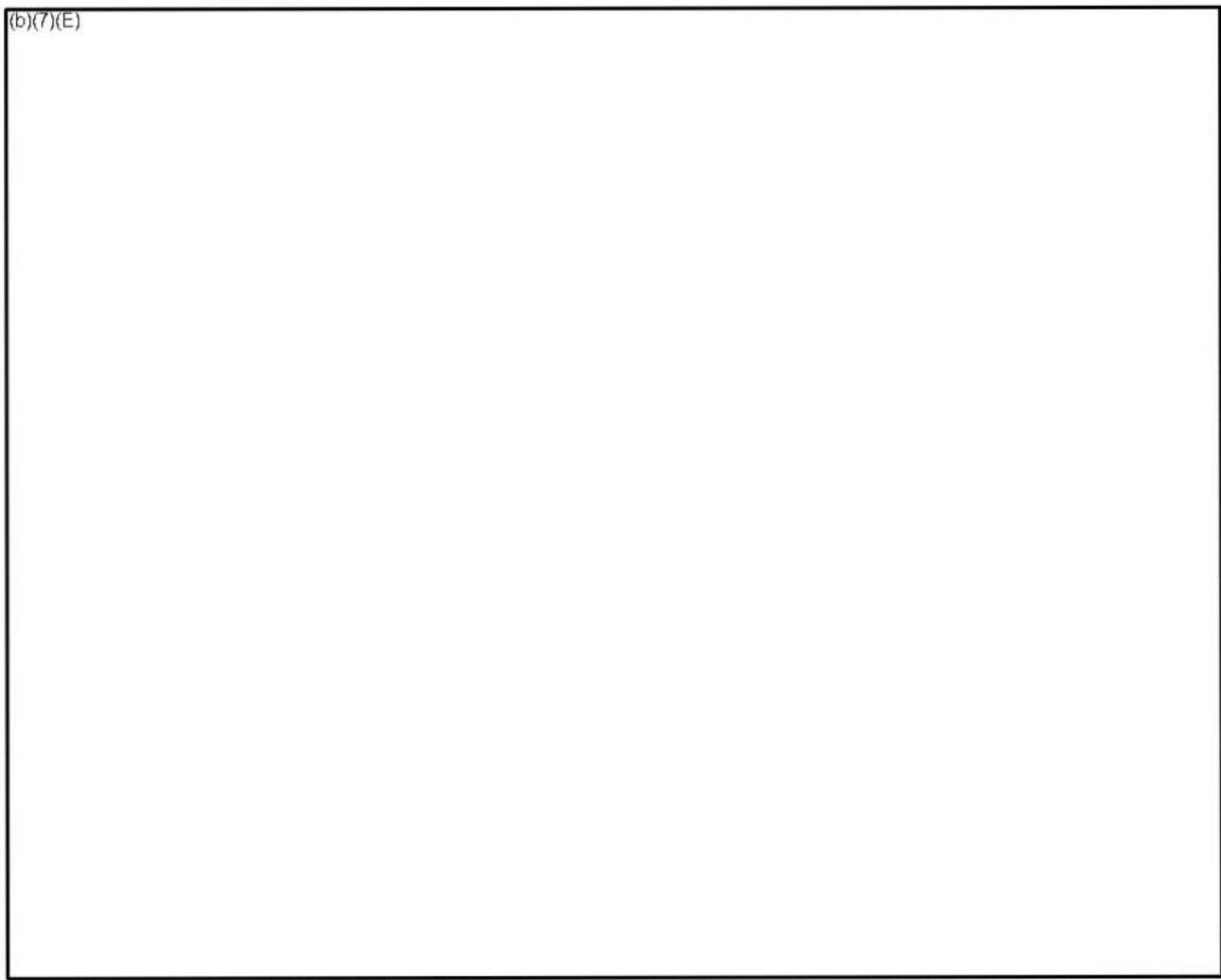
(b)(7)(E)

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(b)(7)(E)

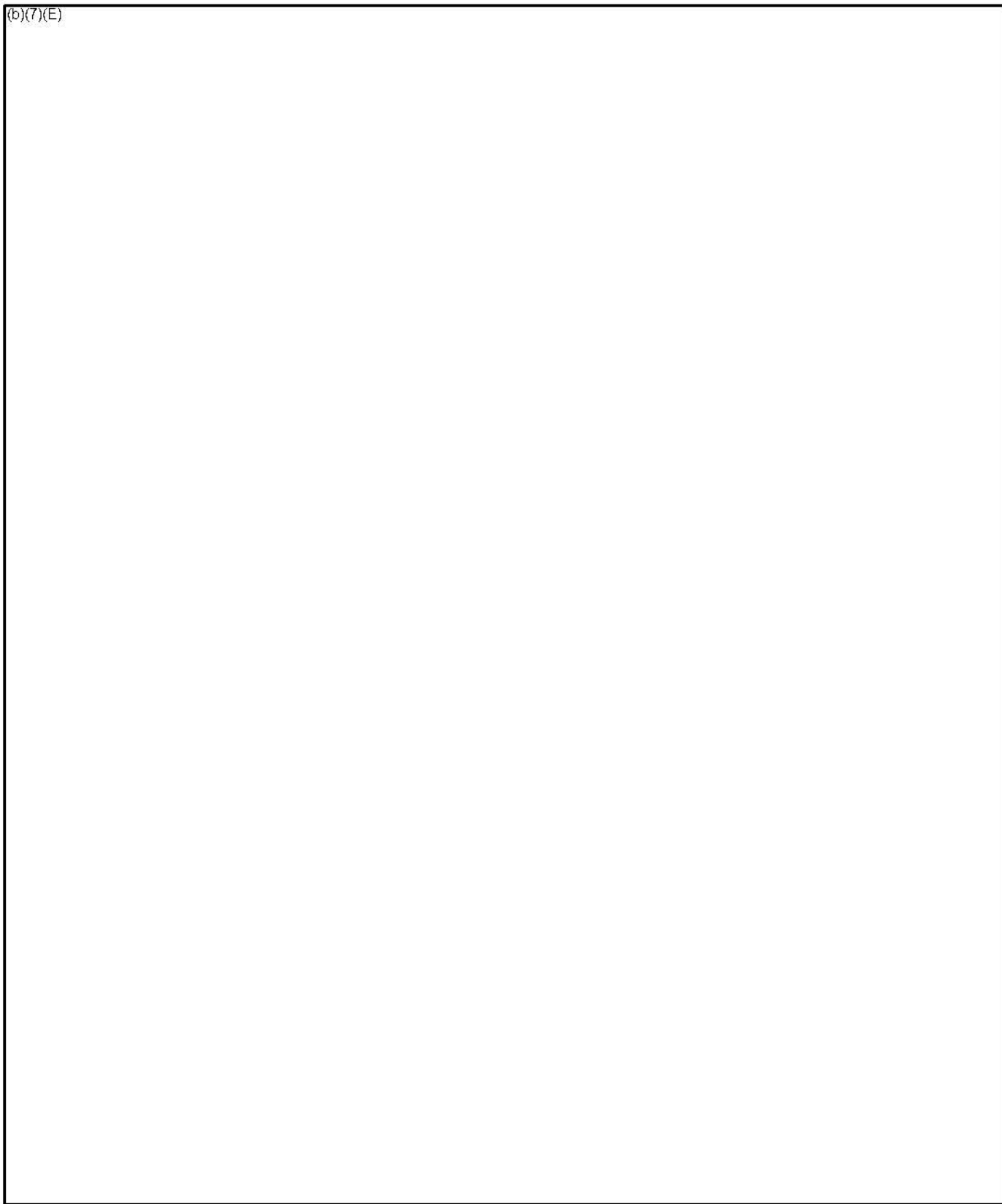
(b)(7)(E)



Appendix F – Sunflower Asset Transfer

Request Inventory Asset Change

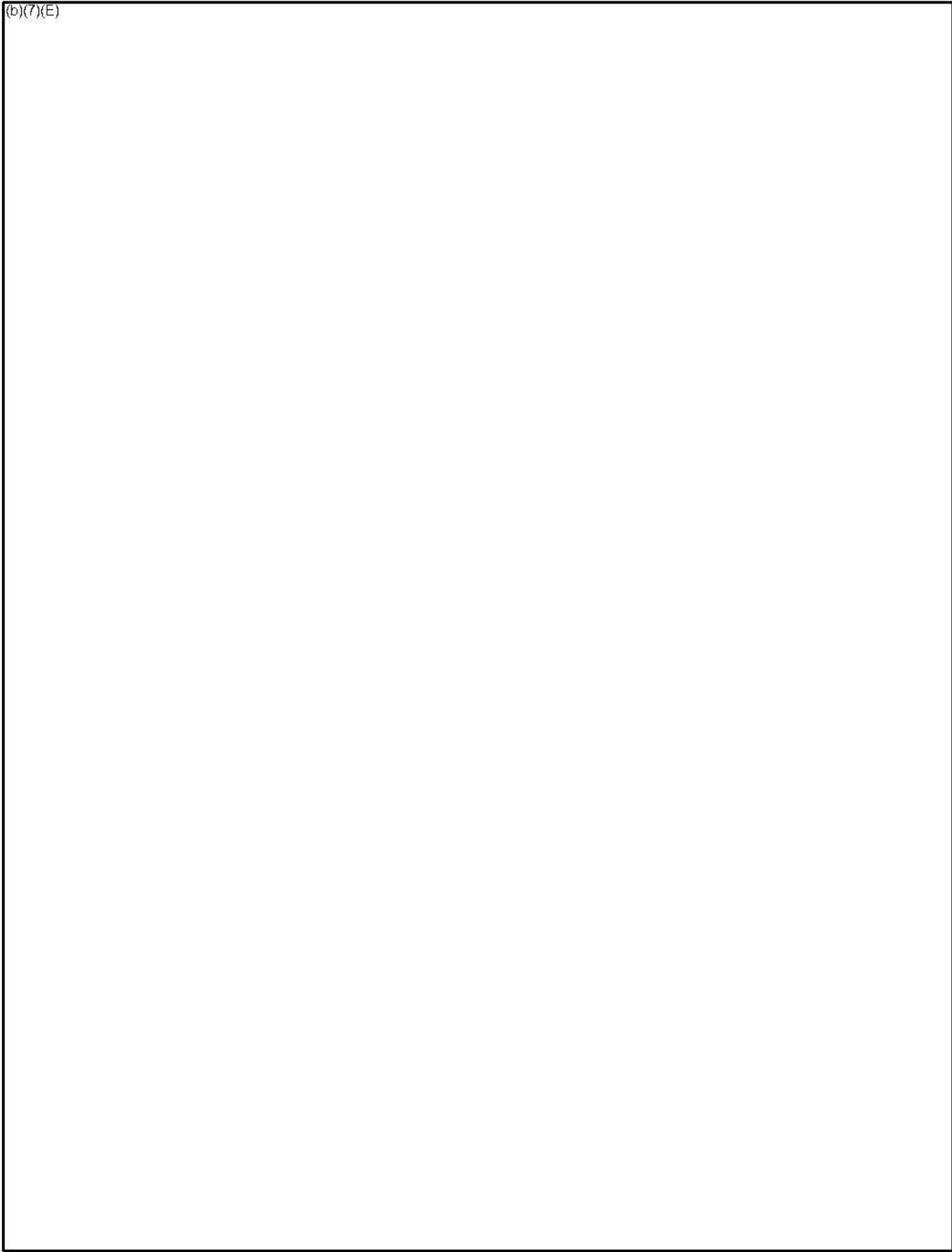
(b)(7)(E)



(b)(7)(E)

Appendix G – Sunflower Transfer Acceptance / Denial / Withdrawal

(b)(7)(E)



Glossary

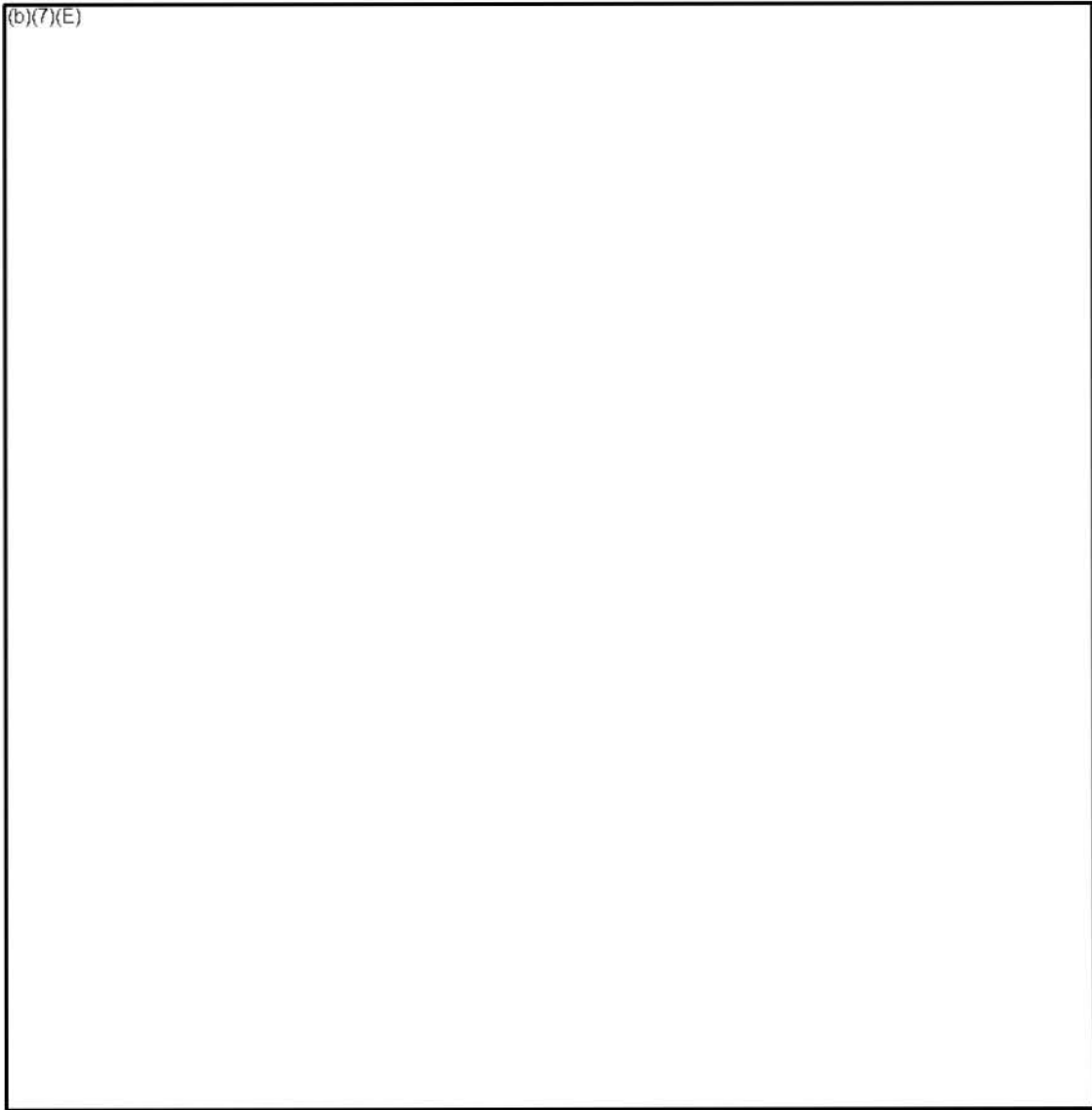
(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

NLECC Network 10-Codes and Phonetic

(b)(7)(E)





Homeland Security

October 22, 2010

MEMORANDUM FROM THE SECRETARY

A handwritten signature in black ink, appearing to read "J. A. Napolitano".

TO: All Component Heads

SUBJECT: DHS Policy: Public Safety Custodial Interrogation of Certain
Terrorism Suspects

1. The primary mission of DHS is to prevent terrorist attacks within the United States and reduce the vulnerability of the United States to terrorism. We will use all lawful and appropriate means available to identify, locate, detain, and, consistent with the guidance herein, interrogate terrorism suspects.
2. Safety of the public is paramount. When conducting custodial interrogations, I expect and require officers and agents of this Department to use all lawful and appropriate means to gather terrorist threat information, particularly when such information could contribute to alleviating or neutralizing an imminent threat to the safety of the public or to law enforcement officers.
3. Ordinarily, interrogation of terrorism suspects is conducted by a Joint Terrorism Task Force (JTTF), which includes individuals trained and equipped to investigate terrorism cases. Consistent with existing federal law, regulations, and policy, all DHS law enforcement officers and agents must immediately notify the appropriate JTTF upon identifying any individual who is engaged in terrorist activities or in acts in preparation for terrorist activities and closely coordinate in such cases with the FBI, including with respect to arrest and interrogation of such individuals.
4. However, when DHS law enforcement officers and agents detain a terrorism suspect in circumstances that give rise to an immediate concern for the safety of the public or the agents, and it would be dangerous to wait for the JTTF to respond before questioning the individual, the officers should ask the suspect any questions that are reasonably prompted by this concern. Agents should ask any and all questions that are reasonably prompted by an immediate concern for the safety of the public or the arresting agents without advising the arrestee of his *Miranda* rights.¹ Consistent with operational requirements, the agents must consult with the JTTF (which

¹ The Supreme Court held in *New York v. Quarles*, 467 U.S. 649 (1984), that if law enforcement officials engage in custodial interrogation of an individual that is "reasonably prompted by a concern for the public safety," any statements the individual provides in the course of such interrogation shall not be inadmissible in any criminal proceeding on the basis that the warnings described in *Miranda v. Arizona*, 384 U.S. 436 (1966), were not provided.

will consult with DOJ/the U.S. Attorney's Office) as soon as possible concerning the appropriate scope of any public safety interrogation, and in any case should stop interrogation and seek further guidance from the JTTF once they believe any public safety questions have been exhausted.

5. The determination whether particular unwarned questions are justified on public safety grounds must always be made on a case-by-case basis based on all the facts and circumstances. In light of the magnitude and complexity of the threat often posed by terrorist organizations, particularly international terrorist organizations, and the nature of their attacks, the circumstances surrounding an arrest of an operational terrorist may warrant significantly more extensive public safety interrogation without *Miranda* warnings than would be permissible in an ordinary criminal case. Depending on the facts, such interrogation might include, for example, questions about possible impending or coordinated terrorist attacks; the location, nature, and threat posed by weapons that might pose an imminent danger to the public; and the identities, locations, and activities or intentions of accomplices who may be plotting additional imminent attacks.

6. Federal law requires DHS to provide advisories or warnings regarding the threat or risk that acts of terrorism will be committed on the homeland to federal, state, local, and tribal government authorities and to the people of the United States, as appropriate. Accordingly, and in addition to any other reporting requirements internal or external to DHS, Components shall report immediately to the Secretary through the operational chain of command or via the National Operations Center any encounters with terrorism suspects that reasonably prompt an immediate concern for public safety. Component heads shall ensure that operational reporting procedures do not delay the receipt of these reports by the Secretary and the FBI.

7. Component heads shall provide interim in-service training on this policy to all DHS law enforcement officers and agents within 30 days of the date of this memorandum. The Federal Law Enforcement Training Center and DHS Component training facilities shall amend, as appropriate, all relevant curricula to include training on this policy within 90 days of the date of this memorandum. In accomplishing our mission, we must ensure that efforts and activities aimed at securing the homeland do not diminish the civil rights and civil liberties of persons we encounter.

8. This policy statement is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies or personnel, or any person.

The Court noted that this exception to the *Miranda* rule is a narrow one and that "in each case it will be circumscribed by the [public safety] exigency which justifies it." 467 U.S. at 657.

SEARCH INCIDENT TO ARREST

Chimel v. California, 395 U.S. 752, 762-63 (1969)

The Supreme Court found that police officers had acted in an unconstitutional manner by conducting a warrantless search of the defendant's house after arresting him. The Court stated that "[w]hen an arrest is made, it is reasonable for the arresting officer to search the person arrested in order to remove any weapons that the latter might seek to use in order to resist arrest or effect his escape. . . . In addition, it is entirely reasonable for the arresting officer to search for and seize any evidence on the arrestee's person in order to prevent its concealment or destruction. And the area into which an arrestee might reach in order to grab a weapon or evidentiary item must, of course, be governed by a like rule."

New York v. Belton, 453 U.S. 454, 460 (1981)

Belton was one of four occupants in a car stopped for speeding. He and the others were ordered from the car and placed under arrest after the policeman detected the smell of marijuana and saw what he believed to be marijuana in an envelope. After a search of each of the occupants and the passenger compartment, cocaine was found in the defendant's jacket. Faced with the need to resolve the proper scope of a search of the passenger compartment of a car incident to the arrest of its occupants, the Supreme Court held "that when a policeman has made a lawful custodial arrest of the occupant of an automobile, he may, as a contemporaneous incident of that arrest, search the passenger compartment of that automobile." In addition, the Court stated "that the police may also examine the contents of any containers found within the passenger compartment, for if the passenger compartment is within reach of the arrestee, so also will containers in it be within his reach."

Arizona v. Gant, ___ U.S. ___, 129 S.Ct. 1710, 1719 (2009)

In a case where Gant had been arrested and placed in a patrol car before his car was searched, yielding a gun and a bag of cocaine, the Supreme Court narrowed its holding in *Belton*. The five justice majority concluded that police are authorized "to search a vehicle incident to a recent occupant's arrest only when the arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search." The Court also decided "that circumstances unique to the vehicle context justify a search incident to a lawful arrest when it is 'reasonable to believe evidence relevant to the crime of arrest might be found in the vehicle.'"



U.S. Immigration
and Customs
Enforcement

July 3, 2008

MEMORANDUM FOR: All Field Office Directors
All Special Agents in Charge

FROM:

Julie L. Myers
Julie L. Myers
Assistant Secretary

SUBJECT: Field Guidance on Enforcement Actions or Investigative Activities
At or Near Sensitive Community Locations

ICE personnel should refrain from conducting enforcement actions or investigative activities at or near sensitive community locations such as schools, places of worship, and funerals or other religious ceremonies, except in limited circumstances as set forth within this memorandum. Such restraint strikes a balance between our law enforcement responsibilities and the public's confidence in the way ICE executes its mission.

Precedent for this approach is clear. Under Immigration and Naturalization Service (INS) Policy HQ 807-P, Enforcement Activities at Schools, Places of Worship, or at funerals or other religious ceremonies (May 17, 1993), law enforcement personnel were directed to:

"[A]ttempt to avoid apprehension of persons and to tightly control investigative operations on the premises of schools, places of worship, funerals and other religious ceremonies."

ICE policies are in place to ensure that our personnel conduct enforcement operations in a manner that is safe and respectful of all persons. This policy was recently reinforced in a December 26, 2007 Memorandum from Marcy M. Forman, Director, Office of Investigations, entitled Enforcement Actions at Schools. This field guidance clearly states that ICE views these actions with particular sensitivity:

"[I]t is important to emphasize that great care and forethought be applied before undertaking any investigative or enforcement type action at or near schools, other institutions of education, and venues generally where children and their families may be present."

Policies governing ICE Office of Detention and Removal (DRO) Fugitive Operations Teams have similarly discouraged enforcement actions in these sensitive locations. Furthermore, all of our enforcement actions have been, and should continue to be, thoroughly planned, reviewed, and approved by senior field office personnel so that both the public's safety and our national security are guaranteed.

SUBJECT: Field Guidance on Enforcement Actions or Investigative Activities At or Near
Sensitive Community Locations
Page 2

While ICE policies and procedures do not specifically preclude enforcement actions or investigative activities at the aforementioned locations, the direction of INS HQ807-P remains in effect.

Consistent with these policies, including INS HQ807-P, there may be specific situations requiring ICE personnel to act at or near sensitive locations. Such situations would include those involving terrorism-related investigations, matters of public safety, or actions where no enforcement activity is involved, such as requesting information from school officials, retrieving records, or otherwise routine, non-enforcement activity. Any such case must be raised to the appropriate Headquarters program office prior to any action or, in exigent circumstances, as soon as practicable. Moreover, personnel are reminded to be cognizant of the impact of their activity, exercise good judgment and act with an appropriate level of compassion in light of the location while exercising their authority in such circumstances.

This policy should not be construed as an indication of tolerance for any violations of the law by anyone at or in charge of any of these sensitive locations. A formal ICE Policy Directive providing policy and procedures for these enforcement actions and/or investigative activities will be issued in the near future.

SURVEILLANCE

United States v. Knotts, 460 U.S. 276, 280-84 (1983)

Partly through the use of a beeper placed inside a container of chloroform, the police were able to track its movement to Knotts' rural cabin where a clandestine drug lab was found after the execution of a search warrant. Setting forth a two-prong test for the application of the Fourth Amendment, the Supreme Court held that the monitoring of the beeper did not violate any legitimate expectation of privacy of the cabin's owner since the government's surveillance amounted to following a vehicle on public streets and highways. "A person travelling in an automobile on public thoroughfares has no reasonable expectation of privacy in his movements from one place to another." The Court also found that the Fourth Amendment does not prevent enforcement officers from using scientific devices like a beeper to enhance their "sensory faculties" or "to be more effective in detecting crime."

California v. Ciraolo, 476 U.S. 207, 211-15 (1986)

In a case where police officers obtained information that the defendant was growing marijuana inside 6- and 10-foot privacy fences by flying over his house in a private plane at an altitude of 1000 feet, the Supreme Court stated that "[t]he touchstone of Fourth Amendment analysis is whether a person has 'a constitutionally protected reasonable expectation of privacy'" that involves a "two-part inquiry: first, has the individual manifested a subjective expectation of privacy in the object of the challenged search? Second, is society willing to recognize that expectation as reasonable?" The Court concluded that "[i]n an age where private and commercial flight in the public airways is routine, it is unreasonable for respondent to expect that his marijuana plants were constitutionally protected from being observed with the naked eye from an altitude of 1,000 feet. The Fourth Amendment simply does not require the police traveling in the public airways at this altitude to obtain a warrant in order to observe what is visible to the naked eye."

California v. Greenwood, 486 U.S. 39-41 (1988)

Where a police investigator obtained the defendants' garbage from the trash collector, the Supreme Court applied the two-part reasonable expectation of privacy inquiry set forth in Ciraolo. Even though the garbage was in opaque plastic bags, the Court found that it had been "exposed . . . to the public sufficiently to defeat their claim to Fourth Amendment protection. It is common knowledge that plastic garbage bags left on or at the side of a public street are readily accessible to animals, children, scavengers, snoops and other members of the public." It was also recognized that the garbage had been placed at the street for transfer to the trash collector who might sort through it or allow others, including the police, to do so. Having placed their refuse in an area where the public could inspect it, the Court concluded that the defendants "could have had no reasonable expectation of privacy in the inculpatory items they discarded." In addition, the majority found that "the police cannot reasonably be expected to avert their eyes from evidence of criminal activity that could have been observed by any member of the public." In other words, there is no Fourth Amendment protection for what an individual knowingly exposes to public view.

United States v. McIver, 186 F.3d 1119, 1125-27 (9th Cir. 1999)

The use of unmanned cameras to detect activity at a marijuana grow location did not violate the Fourth Amendment where the defendants failed to establish a REP in an area open to the public. In addition, the attachment of a mobile tracking device under a Toyota 4Runner parked in McIver's driveway was not a Fourth Amendment search where there was no evidence the defendant intended to shield that area from inspection by others and the officers did not intrude into an enclosed or secreted location. There was no seizure since the officers did not interfere with the defendant's possessory interest in the SUV.

United States v. Pineda-Moreno, 591 F.3d 1212, 1214-16 (9th Cir. 2010)

The Fourth Amendment was not violated by the use of a mobile tracking device to place the defendant's vehicle at a suspected marijuana grow location since there is no REP in the exterior of a vehicle and an individual driving on public streets and highways has no REP in his travel from one place to another.

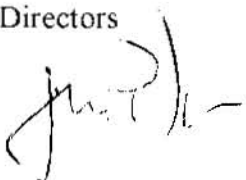
U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

MAR - 6 2005

MEMORANDUM FOR: Headquarters Divisions
All Field Office Directors

FROM: John P. Torres
Acting Director 

SUBJECT: Use of Ruses in Enforcement Operations

Purpose

This memorandum serves to provide additional guidance originally issued on August 15, 2005, regarding the use of ruses during arrest operations. This memorandum, with forthcoming updated policy directive, applies to all Detention and Removal enforcement operations. The use of ruses in the performance of U.S. Immigration and Customs Enforcement (ICE) law enforcement mission remains a valuable and effective tool. Ruses are used by virtually every law enforcement agency in the federal government. One of the main objectives of the ruse is to prevent violators from fleeing, thereby allowing for a safe arrest that does not place the violator, the arresting officer or innocent bystanders at risk.

Discussion

The use of a ruse during an arrest involves controlling the time and location of the encounter as dictated by ICE officers. Ruses may involve impersonating employment with other federal, state, local, or private entities. As outlined in the original guidance, it is still incumbent upon the arresting officers to provide prior notice to the affected entity. This notice affords the affected entity the opportunity to raise concerns regarding the affect the ruse may have on their security or public image. The point of contact with the proposed cover entity shall be the appropriate agency head authorized for giving concurrence. A memorandum to the file shall be prepared to document these discussions.

Any issues raised by the affected entity shall be forwarded within two working days to the appropriate Headquarters' Deputy Assistant Director. The Deputy Assistant Director, in consultation with the Office of Principal Legal Advisor, will consider the issues and provide guidance as appropriate.

In particular, ICE Headquarters has directed that the use of ruses involving *health and safety* programs administered by a private entity or a federal, state, or local government agency, such as Occupational Safety and Health Administration (OSHA), will be discontinued. All other ICE investigative enforcement actions requiring the use of a health or safety-based ruse must

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Subject: Use of ruse in Enforcement Operations

Page 2

be pre-approved by the Assistant Secretary of ICE and coordinated with the respective government agency or private entity.

Should you have any questions regarding this issue, please contact the Assistant Director for Operations or Chief of Staff at 202-305-(b)(6),
(b)(7)(C)



U.S. Immigration
and Customs
Enforcement

AUG 22 2006

MEMORANDUM FOR: All Special Agents in Charge
All ICE Attachés
All Field Office Directors

FROM: *SV* Marcy M. Forman *RCF*
Director, Office of Investigations
John P. Torres *JPT*
Acting Director, Detention and Removal Operations

SUBJECT: Use of Ruses in ICE Enforcement Operations

This memorandum serves as joint guidance on the use of ruses in criminal investigations and law enforcement operations. The use of ruses in law enforcement operations is an effective law enforcement tool that enhances officer safety. One main objective of a ruse is to prevent violators from fleeing and placing themselves, officers and innocent bystanders in a potentially dangerous situation.

However, the use of ruses utilizing the names of agencies and companies involved in the administration of health and safety programs can impede the functions of those organizations by creating a perception that these organizations are acting as an enforcement tool of ICE. The use of ruses involving health and safety programs undermines the efforts to increase safety in the workplace and undercuts workers willingness to report workplace safety violations based on a fear of law enforcement action being initiated against the reporting worker.

Pursuant to memorandums dated March 6, 2006, subject Use of Ruses in Enforcement Operations, the Offices of Investigations and Detention and Removal Operations discontinued the use of ruses involving health and safety programs administered by a private entity or a federal, state, or local government agency, such as the Occupational Safety and Health Administration (OSHA), for the purpose of immigration worksite enforcement. The cited memorandums require Assistant Secretary pre-approval of all other investigative enforcement actions requiring the use of a health or safety-based ruse, as well as appropriate coordination with the respective government agency or private entity.

This jointly issued memorandum reinforces the prohibitions and approval requirements outlined in the March 6, 2006, memorandums.

Questions on this matter from OI offices should be directed to Acting Deputy Assistant Director (b)(6),(b)(7)(C) at (202) 305-(b)(6) and from DRO offices to Deputy Assistant Director (b)(6),(b)(7)(C) at (202) 616-(b)(6),(b)(7)(C)

Use of Force Continuum



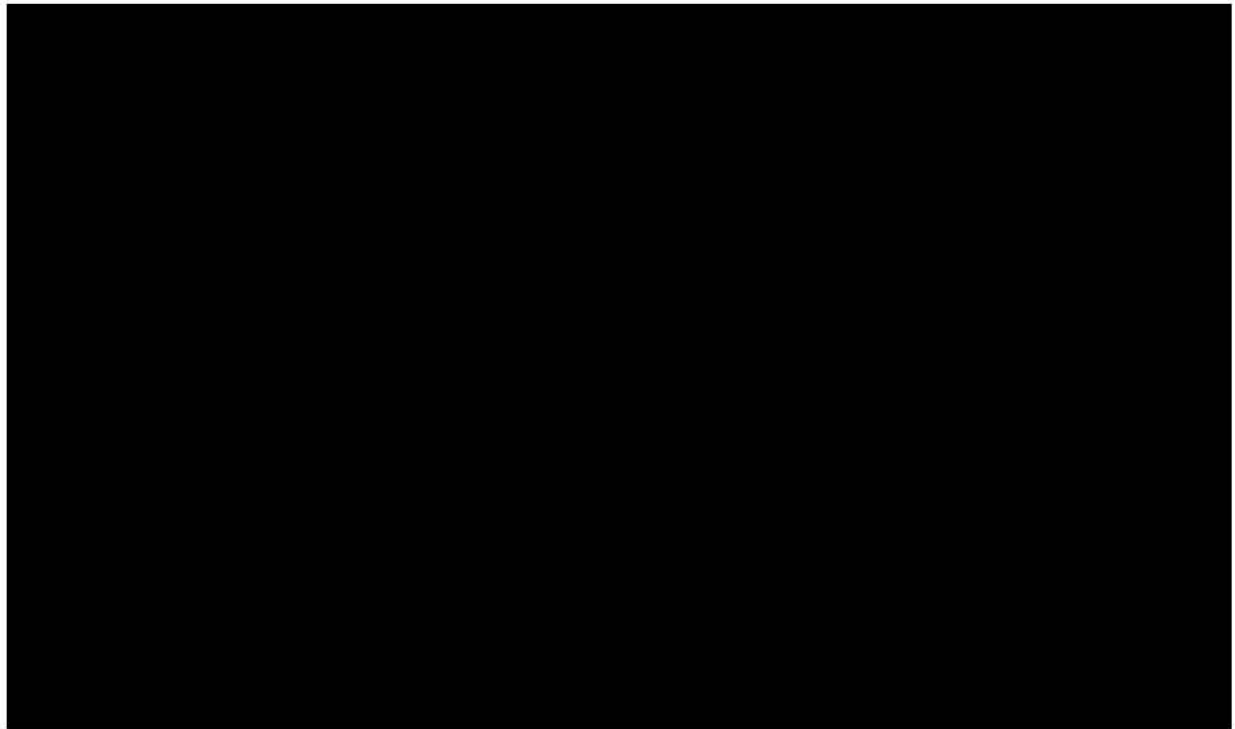
Fourth Amendment and Administrative Authority

Detention and Removal Operations Training Division

DRO7070.01
March 2009



**U.S. Immigration
and Customs
Enforcement**



This document is not to be released outside the ICE Academy without the written permission of the ICE Office of Training and Development (HQ).

Lesson Plan Overview					
Course Title		Advanced Fourth Amendment and Administrative Authority			
Course Number		DRO7070.01			
Course Duration		8 hours			
Lecture Time	Lab Time	PE/Exam Time	Total Time	Programs	Applicable Portions
8 Hours			8 Hours	ICE -FOTP	All
Course Description		This course provides advanced Fourth Amendment training, focusing on administrative authority. The course also incorporates NFOP policy and discusses the relationship between NFOP policy and the Fourth Amendment.			
Terminal Performance Objective (TPO)		Given a scenario, the student will be able to identify Fourth Amendment parameters in all aspects of fugitive operations functions, from conducting surveillance on a target to making the arrest. The student will also be able to convey Fourth Amendment limitations on administrative law enforcement actions when receiving assistance from non-NFOP law enforcement entities.			

Lesson Plan Overview	
Enabling Performance Objectives (EPO)	1. Identify Fourth Amendment and administrative authority limitations when conducting surveillance. 2. Identify Fourth Amendment and administrative authority limitations when making contact with persons at a residence. 3. Identify the necessary consents that must be obtained before entering and searching a residence. 4. Identify Fourth Amendment and administrative authority limitations on consent to enter and consent to search a residence. 5. Identify Fourth Amendment, administrative authority and NFOP policy limitations when making contact with a target at a place of employment. 6. Identify Fourth Amendment, administrative authority and NFOP policy limitations when making contact with a target in a public place. 7. Identify the requirements of a criminal warrant. 8. Identify scope of authorities in joint operations.
Instructional Methods	• Lecture • Discussion • Scenarios
Method of Evaluation	Instructor will gauge student responses and interaction during classroom discussion. Students will utilize information presented at lecture in NFOP scenarios.
Classroom Requirements	• Group classroom (6 table groups with instructor station including computer, projector, and screen)
Instructor Materials/ Resources	• Instructor Guide • Presentation Slides
Student Materials/ Resources	• Participant Workbook for each student • Office of the Principal Legal Advisor Contact Information
Instructor Special Requirements	None
Student Special Requirements	None
Role-Players	None

Curriculum Development and Review Team

Developed by:

Date

(b)(6),(b)(7)(C) OPLA

February 2009

Reviewed by:

(b)(6),(b)(7)(C) Branch Chief Specialties, ICE Academy

March 2009

(b)(6),(b)(7)(C) Section Chief, ICE Academy

March 2009

Introduction	
PURPOSE OF COURSE	
In order to comply with constitutional requirements of the Fourth Amendment when conducting operations, fugitive operations teams must understand Fourth Amendment parameters within the context of NFOP policies and the authorities of the administrative arrest warrant used by NFOP. Given a scenario, the student will be able to demonstrate an understanding of administrative authority and NFOP policies within the parameters of the Fourth Amendment.	
ENABLING PERFORMANCE OBJECTIVES	
1. Identify Fourth Amendment issues and NFOP policy limitations that may arise during surveillance of a target. 2. Identify the Fourth Amendment issues and NFOP policy limitations that may arise when making contact at the targets residents. 3. Identify Fourth Amendment issues and NFOP policy limitations when conducting enforcement actions away from a residence. 4. Identify when a criminal warrant may be used to affect the arrest of an NFOP target.	
Pre-Operational Planning	
EPO 1: Identify Fourth Amendment and administrative authority parameters of the pre-operational planning stage.	
Topic 1: Target Identification	
The first step in planning an enforcement operation is identifying a target. While conducting an investigation to discern a target's identity, a wide variety of resources are available to an officer. When using any information gathering resource, the student must be cognizant of Fourth Amendment parameters.	• Public records • Department of Motor Vehicles • Administrative subpoenas • Third party contact • Surveillance equipment • Internet pages • Abandoned property

Topic 2: Determining Target Location The same resources available to identify a target are also available to locate a target. Once a target is located, NFOP teams may conduct surveillance to determine the optimal time to arrest the target. Surveillance will be conducted on all proposed locations where enforcement activity may occur. If both work and residence addresses are known, surveillance should be conducted at both locations.	• Juveniles • Sensitive locations • Hours of Operation • Officer Safety
<u>EPO 2:</u>	
Making Contact with the Target at a Residence	
Topic 1: Contact outside residence	
A team may determine the best place to arrest a target is outside the residence. Team members may position themselves in a public place outside a target's residence to wait for the target to exit the residence at any time, day or night	• Vehicle stops • Foot pursuit
Topic 2: Knock and Talk	
NFOP policy dictates that knock and talk must only occur during daytime hours. Daytime hours are defined as the hours between 6 AM and 10 PM. Knock and talk may only occur outside daytime hours when exigent circumstances exist. Prior written approval must be obtained before conducting a knock and talk outside daytime hours. Knowing that a target leaves for work at 5 AM is not an exigent circumstance justifying conducting a knock and talk outside daytime hours.	
Topic 3: Consent to Enter a Residence	
When acting under the authority of an administrative arrest warrant, consent must be obtained to enter the residence before an officer may cross the threshold of a residence. If the target of the operation opens the door during a knock and talk, and officer may not reach across the threshold of the residence to grab the target. Fourth Amendment requires that consent to enter a residence be given by someone with apparent authority to give such consent. NFOP policy requires that the consent given by an adult.	

Consent must not be obtained through coercion. At times, the person answering the door may respond to a request to enter the residence with body language or other non-verbal cues. Body language and nonverbal cues are rarely sufficient to constitute consent. Once given, consent to enter may be withdrawn. Rather than attempt to gain consent to enter the residence, the student may also request the target exit the residence. On very rare occasions, a residence may be entered without consent. The student will be able to identify such instances.	
Topic 4: Gaining consent to search a residence	
When acting under the authority of an administrative arrest warrant, separate consent must be obtained to search a residence. An officer must be cognizant of the scope of consent to search. Consent to search may be broadly given or may be limited to one room. The same principles that apply to consent to enter apply to consent to search. It must not be coercive and must be given by an adult with apparent authority to do so. Once given, consent to search may be withdrawn. In rare circumstances, a search may be conducted without consent. The student will be able to articulate such instances.	

<u>EPO 3:</u>	
Making contact at the target's place of employment	
Topic 1: Consent to Enter a Worksite	
Unless a target's place of employment is a public place, when acting under the authority of an administrative arrest warrant, consent is necessary to enter the place of employment. Consent must be given by someone with apparent authority to give such consent. Someone with authority to give consent includes the employee charged with managing a worksite.	• The owner or manager acting under the owner's authority may give consent • Another employee generally does not have such authority • Public versus non-public areas in a place of employment. • Outdoor operations • Sensitive locations as a place of employment.
Topic 2: Employer Housing	
The same Fourth Amendment principles, administrative authorities and NFOP policies that apply to a residence also apply to employer provided housing. A resident enjoys the same expectation of privacy in their home, regardless of who owns the housing, including employer owned housing.	
<u>EPO 4:</u>	
Obtaining criminal arrest warrants and acting under non-administrative authority.	
Topic 1: Criminal Arrest Warrants	
A criminal arrest warrant allows entrance into a residence without consent. Criminal warrants may be obtained through the assistance of the USAO. In order to obtain a criminal warrant, a member of a NFOP team must prepare an affidavit for presentation to the USAO.	• Elements of a valid criminal warrant • Affidavit requirements

Topic 2: Authorities and Joint Operations	
At times, NFOP teams will engage in joint operations with other law enforcement entities. Officers must understand the authority they are acting under when engaged in joint operations and must not exceed that authority. Law enforcement entities may not piggyback onto one another's warrants and authorities to affect an arrest.	• Parole officer example • Local police department example
Summary	
The primary mission of the National Fugitive Operations Program is to identify, locate, arrest, process and remove fugitive aliens from the United States, with the highest priority placed on those who have been convicted of crimes. In order to meet their established goals it is necessary to employ a variety of methods, techniques and strategies, while assuring compliance with the Fourth Amendment and NFOP policy.	
Enabling Performance Objectives	
Now that you have completed this course you should be able to:	
1. Identify Fourth Amendment and administrative limitations when conducting surveillance. 2. Identify Fourth Amendment and administrative limitations when making contact with persons at a residence. 3. Identify the necessary consents that must be obtained prior to entering and searching a residence. 4. Identify Fourth Amendment and administrative limitations on consent to enter and consent to search a residence. 5. Identify Fourth Amendment, administrative and NFOP policy limitations when making contact with a target at a place of employment. 6. Identify Fourth Amendment and NFOP policy limitations when making contact with a target in a public place. 7. Identify the requirements of a criminal warrant. 8. Identify and explain the authorities of an administrative warrant.	

Assessment	
<u>None</u>	
Resources	
<u>Handouts</u>	
☐ Student Guide	

Approval Page

Approved by:

Section Chief, Division	Date
Unit Chief	Date
Director, Office of Training and Development	Date
Division Representative (DRO, OI, OPR, INTEL, FPS)	Date

REQUEST/APPROVAL FOR NEW OR REVISED SCENARIOS

Date: February 2, 2009
Program: ICE-FOTP
Scenario Course Number/Title: Fugitive Operations Lab Administrative Arrest Warrant
Scenario Number(s): ICE_FOTP #2

PURPOSE

New Scenario: YES	Revision: 2/2/09
Comments: ICE_FOTP, Day 13 0730-1630. Would like to implement new scenarios starting with FOTP - 905.	
Agency/Division conducting exercise: ICE	
Total Number of Role-players required for exercise: Three (3)	
Role-player Report Location: Assigned raid house.	
Length of Scenario (in hours): 8	Lunch: 1 hour Break:
Length of Time Role-players needed:	Early Report Time (min): 15

ROUTING	NAME	DATE	PHONE
NUMBER			

ORIGINATOR	(b)(6),(b)(7)(C)			(843) 745	(b)(6), (b)(7) (C)
DIVISION/ AGENCY CHIEF	(b)(6),(b)(7)(C)			(843) 745	(b)(6), (b)(7) (C)
PROGRAM MANAGER	(b)(6),(b)(7)(C)			(843) 566	(b)(6), (b)(7) (C)
STUDENT SERVICES DIVISION	Contract Compliance Specialist			(843) 566	(b)(6), (b)(7) (C)

SCENARIO COVER SHEET

Scenario Title/Number: Administrative Arrest Warrant Service ICE_FOTP #2	
Number of Role-players required for this scenario: 3	
Role-player #: 1	Name of Character/Role: Any/girlfriend of Fugitive (RP#3)

Age: 22-55	Sex : Female	Race: ANY
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Physical Characteristics: Role-player should be able to follow simple instructions.
Clothing Required: Casual Attire. SPANDEX: The wearing of spandex, by the role-players, is a mandatory requirement when a body search is a possibility or is stated as a requirement of the students in the scenario description.
Special Requirements: Role-players should not use any racially insensitive language, sexually explicit/insensitive language or offensive language during this exercise.
Props/Preparation Required: FLETC (SC) Driver's License, woman's purse. Instructors will provide safe knife and simulated drugs. Preparation: The role-player contractor is required to ensure the role-players are properly trained, timely, knowledgeable of their scheduled character/exercise, meet all the character requirements, and are provided the required props (if prop responsibility lies with the contractor). All role-player questions on the requirements of the exercise should be addressed with the contractor management staff and resolved prior to the start of the exercise. Any unprepared role-player shall be replaced upon the request of an Instructor to the COTR or Contractor (if after normal working hours).
Vehicles (Number and type required): None Motor pool Checkout Requirements: Role-players must show a valid form of identification (valid driver's license, FLETC ID) and provide the class name and number of the lab/PE to the motor pool attendant in order to checkout a Government vehicle.
Photograph Requirements: Photo delivered electronically minimum three days in advance of exercise date. Send photo to (b)(6),(b)(7)(C)
Comments: Photograph Requirements: FLETC (SC) Driver's license

PROGRAM(s):

FOTP

DATE:

February 2, 2009

LAB / PE:

Fugitive Operations

SCENARIO:

**Administrative Arrest Warrant
(ICE FOTP #2)**

DIVISION RESPONSIBLE:

ICE

LOCATION:

RAID HOUSE

INSTRUCTOR GUIDE:

1. Read scenario instructions.
2. Lead instructor should report to assigned scenario location and ensure the assigned role-players are prepared.
3. Team will present the Operation Order to the lead instructor for approval.
4. Equipment will then be distributed to the team.
5. Team leader will notify dispatch that the scenario is in service.
6. Instructor and 4th Amendment subject matter expert will critique each scenario upon its conclusion at the scenario site.
7. Notify coordinator of any failures, injuries or property damage.

PROPS LISTING: Role-players

Properly completed FLETC South Carolina driver's license for each RP
One empty woman's purse.

PROPS LISTING: Instructor – provided by ICE

One safe knife
Bag of simulated drugs
Passport

SCENARIO OBJECTIVE(s):

The officers will apply the law enforcement skills and knowledge necessary to safely effect an administrative or criminal arrest. Officers will obtain all pertinent information for Agency processing and or criminal prosecution.

SCENARIO OVERVIEW:

Officers will respond to assigned raid house for the service of an administrative arrest warrant on a fugitive criminal alien. Officers will encounter several persons at the residence to include the fugitive. Officers will encounter RP# 1 (girlfriend of fugitive) and request consent to enter the residence. Once inside officers will seek to ID everyone in the home and ask for consent to look around the home for the fugitive. Once consent is obtained the search team will methodically clear the residence. RP# 2 (friend of girlfriend) will be encountered during the search and escorted to the control point in the living room. Once the search team has located the fugitive in a rear room of the house and his identity is verified, the officers will properly effect the arrest, to include asking all appropriate questions pertaining to an ICE arrest and egress the residence with the arrestee. Appropriate computer checks to include criminal wants should be run on all persons identified in the house prior to officers departing the residence.

VIOLATION(s): 8 USC 1253(a), 8 USC 1326**DISPATCH / STUDENT PRE-BRIEF:**

Team _____, respond to Raid House # _____ to serve an administrative arrest warrant.

ROLEPLAYER INSTRUCTIONS:

Role-player #1: (fugitive's girlfriend)

The officers are attempting to serve an administrative arrest warrant for your boyfriend at his home (he will be in a back room of the home). You will answer the door when the officers arrive. Once the officers properly identify themselves they should request consent to enter the home to ask a few questions. You provide consent to enter the residence. Once inside you should invite the officers to have a seat. If the officers do not use proper officer presence in having you take a seat in the living room you should attempt to move around the living room.

The officers should inquire as to your identity and ask about weapons in the house. You should advise that you don't know about weapons as it is your boyfriend's home. If asked, you should tell the officers that you have a key for the residence. If asked to produce ID, you should reach for your purse to show some ID. If the officers ask to look in the purse before retrieving your ID you should hesitate but allow them to do so. If they find the knife and drugs in your purse you should claim they are not yours.

If the officers allow you to retrieve your ID without asking to check the purse first, you should retrieve your ID from the purse. A safe knife will be in your purse; however, you should not remove the knife or display it to the officers. Once you have shown the officers your ID you should keep your purse at your side. Officers should ask if there is anyone else in the house. You tell them that you are not sure as you have been taking a nap.

If the officers ask for consent to look around the house you should hesitate and ask what this is all about. If they provide a reasonable explanation, you should allow the officers to look around. Once your boyfriend is encountered in the back of the house you should become concerned as to what is going on with your boyfriend and tell the officers you want them to leave. The officers should advise that they are in the process of making an arrest and will remain in the home until the arrest has been completed. When the officers bring your boyfriend out through the living room you should become agitated seeing your boyfriend in handcuffs and become verbally upset but ultimately follow the instructions given by the officers.

Role-player #2: (Friend of RP#1)

You are a friend of RP#1 and are at her boyfriend's house with her. When the officers enter the house you should already be in another room at the rear of the house. You will have ID on you and provide it when requested. You will follow all of their instructions. When the officers contact the fugitive (boyfriend) in the back room of the house you should become frightened by what is going on and act scared. When the officers bring him out through the living room you should become agitated seeing your friend's boyfriend in handcuffs and become upset but ultimately follow the officers' instructions. You are a United States citizen. You have a felony warrant out of Charleston for possession of cocaine. Do not volunteer this information. The officers should run the appropriate checks on you, which would reveal the active warrant.

Role-player # 3: (Fugitive)

You are wanted on an administrative arrest warrant for your deportation from the United States. You have a criminal history for minor charges. You are aware that you have been ordered removed from the United States but have been hiding out hoping the Immigration authorities wouldn't catch up with you. You are at your home with your girlfriend and her friend. The officers arrive at your front door and your girlfriend answers the door while you are in one of the back bedrooms. Once the officers enter your home you will be hiding in the back room by attempting to lie on the bed under the covers or hiding in the closet.

When the officers find you, you should follow their commands but continually ask what is going on, telling them the whole time that your lawyer was supposed to be taking care of this. You will comply with all instructions given by the officers but be verbally upset. If asked if you have a passport you will tell them that it is located in the room with you and direct them to where it is. After they have handcuffed you and are walking you out you should continue to question the officers as to what is going on and call out to your girlfriend to get your lawyer on the phone. As they walk you through the living room you should plead with your girlfriend to get you some help. At all times you should physically comply with all instructions but you may be as verbally resistant as you deem necessary.

EXPECTED SEQUENCE/EVALUATION CRITERIA:

1. Notified Sector of arrival on location.
2. Perform a visual survey/secondary threat assessment.
3. Make a tactical approach to the residence.
4. Obtain consent for entry into the home.
5. Request consent to look around the home for fugitive.
6. Properly control everyone in the home.
7. Conduct a safe and methodical search.
8. Locate and effect a safe arrest of the fugitive.
9. Request identification on everyone encountered and run appropriate checks.
10. Ask fugitive for identity documents, medication and about minor children.
11. Take appropriate action on friend with outstanding arrest warrant.
12. Prepare field notes for ICE reports.
13. Used tactics appropriate for the level of perceived threat.
14. The level of force used by the officers was reasonable throughout the scenario.
15. Were other significant issues or officer safety violations observed?

REQUEST/APPROVAL FOR NEW OR REVISED SCENARIOS

Date: February 22, 2007
Program: ICE-FOTP
Scenario Course Number/Title: ICE Fugitive Operations Administrative Arrest
Scenario Number(s): 1

PURPOSE

New Scenario: YES	Revision:
Comments: Would like to implement new scenarios starting with FOTP - 705.	
Agency/Division conducting exercise: ICE -DRO	
Total Number of Role-players required for exercise: Three (3)	
Role-player Report Location: See the special requirements box on each "Scenario cover sheet" for reporting locations.	
Length of Scenario (in hours): 8	Lunch: 1 hour Break:
Length of Time Role-players needed: 8.25 hours	Early Report Time (min): 15

ROUTING NUMBER NAME DATE PHONE

ORIGINATOR	(b)(6),(b)(7)(C)				
DIVISION/ AGENCY CHIEF					
PROGRAM MANAGER		Chief, TMD		267-	(b)(6), (b)(7) (C)
STUDENT SERVICES DIVISION	Kim D. Anderson Contract Compliance Specialist			280-	

SCENARIO COVER SHEET

Scenario Title/Number: ICE Administrative Arrest Warrant Service / 1	
Number of Role-players required for this scenario: 3	
Role-player #: 1	Name of Character/Role: ANY / Girlfriend of Target

Age: 22-55	Sex : Female	Race: ANY
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Physical Characteristics: Role-player should be able to follow simple instructions.
Clothing Required: <u>Casual Attire</u> SPANDEX: The wearing of spandex, by the role-players, is a mandatory requirement when a body search is a possibility or is stated as a requirement of the students in the scenario description.
Special Requirements: Meet the Instructor at Raid House #_____.
Props/Preparation Required: FLETC (Ga.) DL, WOMAN'S PURSE, SAFE KNIFE AND SIMULATED DRUGS PROVIDED BY AGENCY Preparation: The role-player contractor is required to ensure the role-players are properly trained, timely, knowledgeable of their scheduled character/exercise, meet all the character requirements, and are provided the required props (if prop responsibility lies with the contractor). All role-player questions on the requirements of the exercise should be addressed with the contractor management staff and resolved prior to the start of the exercise. Any unprepared role-player shall be replaced upon the request of an Instructor to the COTR or Contractor (if after normal working hours).
Vehicles (Number and type required): None Motor pool Checkout Requirements: Role-players must show a valid form of identification (valid drivers license, FLETC i.d.) and provide the class name and number of the lab/PE to the motor pool attendant in order to checkout a Government vehicle.
Photograph Requirements: Photo delivered electronically minimum three days in advance, if possible.
Comments:

Copy this page as needed.

SCENARIO COVER SHEET

Scenario Title/Number: ICE Administrative Arrest Warrant Service / 1		
Number of Role-players required for this scenario: 3		
Role-player #: 2	Name of Character/Role: ANY / Friend of RP#1	
Age: 22-55	Sex: / Female/Male	Race: ANY
Physical Characteristics: Role-player should be able to follow simple instructions.		
Clothing Required: <u>Casual Attire</u>		
SPANDEX: The wearing of spandex, by the role-players, is a mandatory requirement when a body search is a possibility or is stated as a requirement of the students in the scenario description.		
Special Requirements: Meet the Instructor at Raid House # ____.		
Props/Preparation Required: FLETC (Ga.) DL, Preparation: The role-player contractor is required to ensure the role-players are properly trained, timely, knowledgeable of their scheduled character/exercise, meet all the character requirements, and are provided the required props (if prop responsibility lies with the contractor). All role-player questions on the requirements of the exercise should be addressed with the contractor management staff and resolved prior to the start of the exercise. Any unprepared role-player shall be replaced upon the request of an Instructor to the COTR or Contractor (if after normal working hours).		
Vehicles (Number and type required): None		
Motor pool Checkout Requirements: Role-players must show a valid form of identification (valid drivers license, FLETC i.d.) and provide the class name and number of the lab/PE to the motor pool attendant in order to checkout a Government vehicle.		
Photograph Requirements: NONE		

Comments:

Copy this page as needed.

SCENARIO COVER SHEET

Scenario Title/Number: ICE Administrative Arrest Warrant Service / 1		
Number of Role-players required for this scenario: 3		
Role-player #: 3	Name of Character/Role: To be determined	

Age: 22-55	Sex: Male	Race: Any
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Physical Characteristics: Role-player should be able to follow simple instructions.
Clothing Required: <u>Casual Attire</u> SPANDEX: The wearing of spandex, by the role-players, is a mandatory requirement when a body search is a possibility or is stated as a requirement of the students in the scenario description.
Special Requirements: Meet the Instructor at Raid House # _____.
Props/Preparation Required: Preparation: The role-player contractor is required to ensure the role-players are properly trained, timely, knowledgeable of their scheduled character/exercise, meet all the character requirements, and are provided the required props (if prop responsibility lies with the contractor). All role-player questions on the requirements of the exercise should be addressed with the contractor management staff and resolved prior to the start of the exercise. Any unprepared role-player shall be replaced upon the request of an Instructor to the COTR or Contractor (if after normal working hours).
Vehicles (Number and type required): None Motor pool Checkout Requirements: Role-players must show a valid form of identification (valid drivers license, FLETC i.d.) and provide the class name and number of the lab/PE to the motor pool attendant in order to checkout a Government vehicle.
Photograph Requirements: Photo delivered electronically minimum three days in advance, if possible.
Comments:

Copy this page as needed.

PROGRAM(s):

FOTP

DATE:

February 22, 2007

LAB / PE:

FUGITIVE OPERATION LAB 1

SCENARIO:

**ICE Administrative Arrest Warrant
1**

DIVISION RESPONSIBLE:

ICE / FOTP

LOCATION:

RAID HOUSE# _____

INSTRUCTOR GUIDE:

1. Read scenario instructions.
2. FTI should report to assigned scenario location and ensure that the assigned role-players are prepared.
3. Team will present the Ops Order to the FTI for approval.
4. Equipment will then be distributed to the Team.
5. Team Leader will notify dispatch that the scenario is in service.
6. FTI will critique each scenario upon its conclusion at the scenario site.
7. Notify coordinator of any failures, injuries or property damage.

PROPS:

- **(RP) – Indicates props brought to scenario location by role-player**
- **(INST) - Indicates props brought to scenario location by Field Training Instructor**

(RP) Properly completed FLETC Georgia driver's license for each RP

(RP) One empty woman's purse.

(INST) One safe knife

(INST) Bag of simulated drugs

(INST) Passport

SCENARIO OBJECTIVE(s):

The LEO's will apply the law enforcement skills and knowledge necessary to safely effect an administrative or criminal arrest. LEO's will obtain all pertinent information for Agency processing and or criminal prosecution.

SCENARIO OVERVIEW:

LEO's will respond to Raid House # _____ for the service of an Administrative Arrest Warrant on a fugitive criminal alien. LEO's will encounter several persons at the residence to include the fugitive. LEO's will encounter RP# 1 and request consent to enter the residence. Once inside the LEO's will seek to ID those persons, (RP#1 and RP#2) in the home and ask for consent to look around the home for the fugitive. Once consent is obtained the search team will methodically clear the residence. RP# 2 will be encountered during the search and escorted to the control point. Once the search team has located the target in the rear rooms of the house and his identity is verified, the LEO's will properly effect the arrest, to include asking all appropriate questions pertaining to an ICE arrest and egress the residence with the arrestee. Appropriate computer checks to include criminal wants should be run on all persons identified in the house prior to the LEO's departing the residence.

VIOLATION(s): 8 USC 1253(a), 8 USC 1326

DISPATCH / STUDENT PRE-BRIEF:

Team _____, respond to Raid House # _____ to serve an Administrative Arrest Warrant.

ROLEPLAYER INSTRUCTIONS:

Role-player #1: (wife)

The LEO(s) are attempting to serve an Administrative Arrest Warrant for your boyfriend at his home (he will be in a back room of the home). You

will answer the door when the LEO's arrive. Upon being properly contacted and asked for consent to enter the home in order to ask a few questions you will provide the LEO's with consent to enter the residence. Once inside you should invite the officers to have a seat. If the LEO's do not use proper officer presence in having you take a seat in the living room you should attempt to move around the living room as normal. The LEO's should inquire as to your identity and ask about weapons in the house. You should advise that you don't know about weapons as it is your boyfriend's home and you have ID right there in your purse, which should be on the table in front of you. You should reach for your purse in order to show some ID. If the LEO's ask to look in the purse before retrieving your ID you should hesitate but allow them to do so. If they find the knife and drugs in your purse you should claim they are not yours. If the LEO's allow you to retrieve your ID without asking to check the purse first, you should retrieve your ID from within the purse. A safe knife will be contained in your purse and you should not remove the knife nor display it to the LEO's. Once you have shown the LEO's your ID you should keep your purse at your side. LEO's should inquire as to if there are any other persons in the house. You will advise that a friend of yours and your boyfriend are in the back getting ready to go out. If the LEO's ask for consent to look around the house you should hesitate and inquire as to what this is all about and attempt to alert your boyfriend about the LEO's wanting to look around by raising your voice for him to hear. Ultimately you should allow the LEO's to look around. Once your boyfriend is encountered in the back of the house you should become concerned as to what is going on with your boyfriend and tell the officers you want them to leave. LEO's should advise that they are in the process of making an arrest and will remain in the home until the arrest has been completed. If, after having arrested your boyfriend, the LEO's bring him out through the living room you should become agitated seeing your boyfriend in handcuffs and become verbally upset but ultimately follow the instructions given by the LEO's.

Role-player #2: (Friend)

You are a friend of RP#1 and are at her boyfriend's house with her. When the LEO's enter the house you should already be in another room at the rear of the house. You will have ID on you and provide it when requested. You will follow all of their instructions. When the LEO's contact the boyfriend

in the back room of the house you should become frightened by what is going on and act scared. If the LEO's bring him out through the living room you should become agitated seeing your friends boyfriend in handcuffs and become upset but ultimately follow the instructions given by the LEO's. You are a United States citizen. You have a felony warrant out of Atlanta for worthless checks. Do not volunteer this information. The officers should run the appropriate checks on you, which would reveal the active warrant. If they question you about it you should admit that you moved from Atlanta to avoid being arrested.

Role-player # 3: (Fugitive)

You are wanted on an Administrative Arrest Warrant for your deportation from the United States. You have a criminal history for minor charges. You are aware of the fact that you have been ordered removed from the United States but have been hiding out in hopes that Immigration authorities won't catch up with you. You are at your home with your girlfriend and a friend of hers. The LEO's arrive at your front door and your girlfriend answers the door while you are in one of the back bedrooms. Once the LEO's enter your home you try to hide in the back room by attempting to lie on the bed under the covers or hiding in the closet. When the LEO's find you, you should follow their commands but ask continually as to what was going on, telling them the whole time that your lawyer was supposed to be taking care of this. You will comply with all instructions given by the LEO's but be verbally upset. If asked if you have a passport you will tell them that it is located in the room with you and direct them to where it is. After they have handcuffed you and are walking you out you should continue to question as to what is going on and call out to your girlfriend to get your lawyer on the phone. If they walk you through the living room you should plead with your girlfriend to get you some help. At all times you should physically comply with all instructions but you may be as verbally resistant as you deem necessary.

EXPECTED SEQUENCE OF EVENTS:

1. Notified Sector of arrival on Location

2. Performed a Visual Survey/Secondary Threat Assessment
3. Make a Tactical Approach to the Residence
4. Obtain Consent for Entry into the Home
5. Request Consent to Search Home for Target
6. Properly Control all Persons in the Home
7. Conduct a Safe and Methodical Search
8. Locate and Effect a Safe Arrest of Target
9. Request ID on all Persons encountered and run appropriate checks
10. Prepare Field Notes for ICE Reports
11. Used Tactics Appropriate for the Level of Perceived Threat
12. The Level(s) of Force Used by the LEO Appeared Reasonable throughout the Scenario if **No**, explain in the comment section.
13. Were Other Significant Issues or Officer Safety Violations Observed? If so, explain in the comment section.

BASIC TACTICS

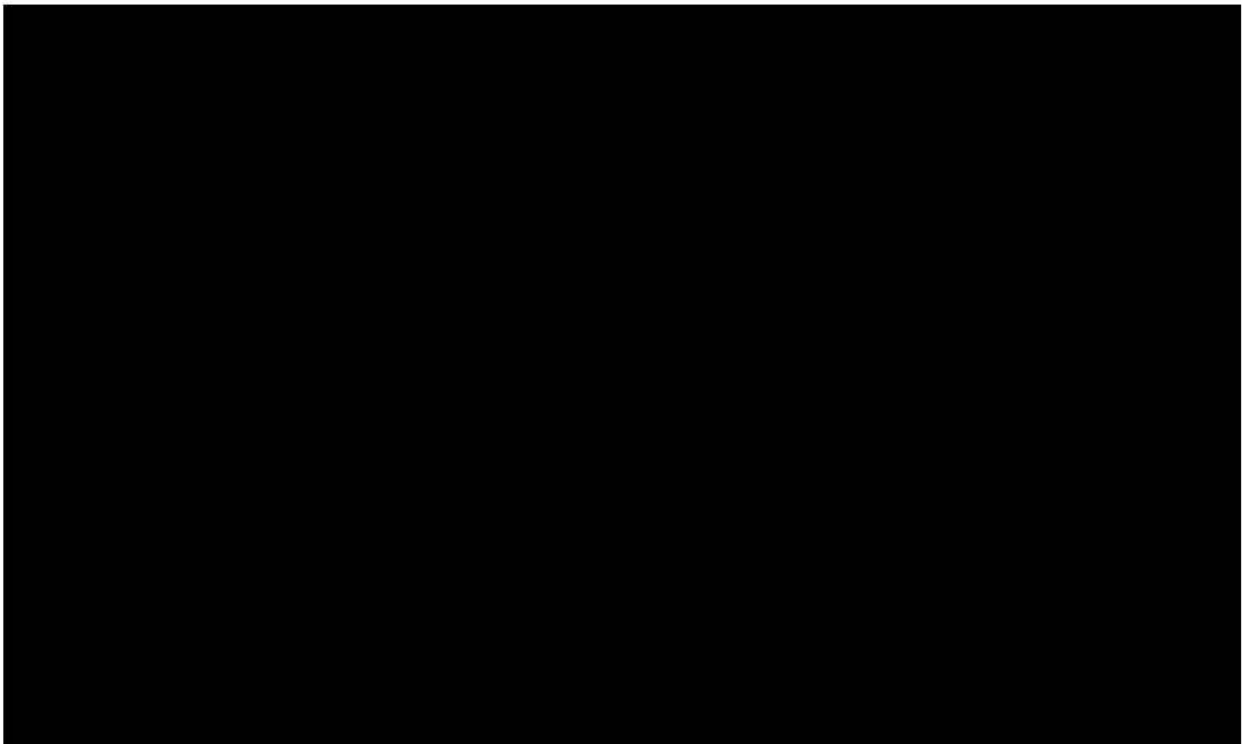
Detention and Removal Operations Training
Division

DRO7030.03

June 2010



U.S. Immigration
and Customs
Enforcement



This document is not to be released outside the ICE Academy without the written permission of the ICE Office of Training and Development (HQ).

Lesson Plan Overview

Course Title		Basic Tactics			
Course Number		DRO7030.03			
Course Duration		See below			
Lecture Time	Lab Time	PE/Exam Time	Total Time	Programs	Applicable Portions
1	8	0	8	FOTP	All EPOs
	7	0	8	ALERT-I ICE-D	All EPOs
Course Description		This course presents a discussion of the various principals and techniques of basic tactics used in conducting DRO Field Operations.			
Terminal Performance Objective (TPO)		Given field situations, the ICE officer will identify and demonstrate skills to safely and effectively utilize basic tactics in support of DRO enforcement activities.			
Enabling Performance Objectives (EPO)		1. Explain and demonstrate proper weapons handling. 2. Explain and demonstrate flashlight techniques. 3. Explain and demonstrate the difference between cover and concealment 4. Explain and demonstrate the principle of contact and cover. 5. Explain and demonstrate slow methodical building search. 6. Explain an emergency action plan.			
Instructional Methods		• Lecture • Discussion • Demonstration			
Method of Evaluation		Checklist and PE (FOTP Only)			
Classroom Requirements		• Group classroom (6 table groups with instructor station including computer, projector, and screen • Mock housing area			

Lesson Plan Overview

Instructor Materials/ Resources	• Instructor Guide • Presentation Slides • Instructor station with presentation equipment • Duty Belt/with Flashlight • Red Gun training weapon • Tactics Card
Student Materials/ Resources	• Duty Belt/with Flashlight • Red Gun Training Weapon
Instructor Special Requirements	• Basic Tactics Instructor Training Course • Each Instructor should work with 6-8 students
Student Special Requirements	None
Role-Players	None

Curriculum Development and Review Team

Developed by:

(b)(6),(b)(7)(C) CDI, Advanced Training Section

Date

June 2007

Revised by:

(b)(6),(b)(7)(C) CDI, Advanced Training Section

Date

June 2010

Summary of revisions:

Changed EPOs to match drill card.

Reviewed by:

(b)(6),(b)(7)(C) Branch Chief Specialties, ICE Academy (Advanced)

Date

June 2010

(b)(6),(b)(7)(C) Section Chief, ICE Academy (Advanced)

June 2010

Table of Contents

Introduction	1
Purpose of Course.....	1
Enabling Performance Objectives.....	1
Introduction, Motivation, and Rapport.....	1
Weapons Handling	1
EPO 1.....	1
Flashlight Techniques	3
EPO 2.....	3
Cover and Concealment	4
EPO 3.....	4
Contact and Cover.....	5
EPO 4.....	5
Methodical Building Search.....	7
EPO 5.....	7
Emergency action plan	10
EPO 6.....	10
Summary	11
Enabling Performance Objectives.....	11
Take Aways	11
Laboratory.....	12
Resources	13
Basic Tactics Drill Card.....	13

Introduction

PURPOSE OF COURSE

Officer will have a basic understanding of tactics that are safe and consistent with all DRO policies. Given field situations, the ICE officer will identify and demonstrate skills to safely and effectively utilize basic tactics in support of DRO enforcement activities.

ENABLING PERFORMANCE OBJECTIVES

1. Explain and demonstrate proper weapons handling.
2. Explain and demonstrate flashlight techniques.
3. Explain and demonstrate the difference between cover and concealment
4. Explain and demonstrate the principle of contact and cover.
5. Explain and demonstrate slow methodical building search.
6. Explain an emergency action plan.

Introduction, Motivation, and Rapport

Officers need to employ good tactical principles and techniques during all enforcement operations. DRO personnel will receive instruction in proper weapons handling, conducting slow and methodical room and building searches, conducting surveillance, demonstrating the roles of contact and cover officer, as well as basic flashlight deployment techniques.

Weapons Handling

EPO 1

Explain and demonstrate proper weapons handling.

Weapons handling skills should be basic and consistent with training received from FLETC Firearms Division.

1. Finger off the trigger: The trigger finger is outside of the trigger guard.
2. Muzzle control: The weapon is not pointed toward your partner(s) or innocent by-stander to ensure least amount of damage if accidentally discharged. Be aware of where the weapon is pointing.
3. Positive control of weapon: Strong hand of officer is always on weapon when that weapon is drawn out of holster or is a long arm. When possible officer has two hands on the weapon or has weapon in a close quarter position to aid in retention.

Weapon Handling positions include:

1. High ready: Weapon is at chest level, arms fully extended, weapon should be below vision.
2. Alternate: Wrist is broken down of the support hand and weapon is pointed in a downward direction so as not to point the weapon at your partner, other officers or innocent third parties.
3. Close quarters: Weapon close to body, elbow bent 90 degrees or more. Both hands on weapon when possible. Note: CQ position can also be done with strong hand only.

The third eye concept is a technique where the weapon should always be pointed in the same direction you are looking. The officer may have to use an alternate method to prevent laser/muzzling a partner or teammate.

Shooting positions: standing, kneeling, squatting and prone.

Refer to Basic Tactics Drill Card. **Weapons Handling**

Instructors will demonstrate to ensure students are aware of what is to be expected. Once demonstrated, the students will complete the tasks under supervision. The instructor will make immediate correction to any deficiencies.

Do not look to talk.

Use peripheral vision.

Keep finger off trigger until ready to shoot!

Keep muzzle pointed in a safe direction.

Students should not be focused on sights; they should be focused on what is in front of the weapon.

Emphasize auditory exclusion and tunnel vision.

Student may use support hand to redirect, open and or move something.

Remain focused on the third eye principle when weapons are involved.

Flashlight Techniques

EPO 2

Explain and demonstrate flashlight techniques

The following are common flashlight positions. All positions should be completed with the flashlight in the support hand.

1. Cross grip support (Harries) method: backs of hands are pressed together, weapon hand supported by support hand wrist.
2. Away from the body (FBI) method: weapon held one hand unsupported, flashlight away from body, up or to the side.
3. Through fingers support (Rogers) method: light is held between index and middle finger, base of thumb presses tail cap. Weapon hand is supported at base of thumb.
4. Neck index method: weapon held with one hand. Flashlight held at shoulder height close to neck or side of head.

Refer to Basic Tactics Drill Card. **Weapons Handling**

Instructors will demonstrate to ensure students are aware of what is to be expected. Once demonstrated, the students will complete the tasks under supervision. The instructor will make immediate correction to any deficiencies.

Try to maintain 1 to 3 second burst, enough to acquire your sights and target.

Instructors should have a couple examples of good quality law enforcement flashlights to show students.

Remember, you have to move after you activate your flashlight.

Use the ceiling to reflect light from the flashlight to search before entering room. Also use the wall light switch to turn on room lights before entering. Typically, light switches are located 36-48 inches from the floor and 6-12 inches on the doorknob side of the wall.

Distance from officer to suspect will be determined by the situation and perceived threat. The distance between officers should be close enough to effectively communicate and assist but enough distance to not allow the suspect to engage both officers simultaneously. Use the light to your advantage, shine high power light into the eyes of the violator.

Backlighting will silhouette the officer making them an easy target. To counter backlighting, use a continuous stream of light until officer has moved from the area. When searching with a light and a suspect is encountered, shine light directly into suspect's eyes to disrupt his night vision.

Cover and Concealment

EPO 3

Explain and demonstrate the difference between cover and concealment

Instructors will explain the uses and purposes of cover and concealment and demonstrate how to properly use each. Cover will stop bullets or shrapnel. Concealment will hide the outline of a body, but will not stop bullets or shrapnel. Some examples of concealment are bushes, small trees, picket fencing, cardboard boxes, drywall or sheet rock walls, wood paneling, etc. Some examples of cover are brick walls, large trees and concrete barriers. Cover can be concealment, but concealment can not be cover.

Instructors will use different pieces of cover; i.e. trees, curbs, telephone or light pole, walls, (brick versus wood, stone versus cinderblock), vehicles; old versus new. The instructor will demonstrate on a vehicle, or other cover item, where officers should stand, kneel, squat or go prone to utilize the cover afforded. The students will replicate this drill after the instructor gives commands to use cover. Typically one student will complete task while other students watch. This will be repeated until all students have completed required tasks.

Students will seek cover and demonstrate varying positions both off and on cover. On-cover means that the muzzle of the weapon is equal to or greater than that cover (touching cover is on-cover). Off-cover means away from cover or not touching the cover.

A car is cover if the officer is behind the engine block or the tires in the wheel well area. The student is using concealment if they are utilizing the doors or windows of the car. All cars have the "A" pillar and the "B" pillar and these pillars should not be seen as cover because they no longer stop bullets, even those from a handgun.

Cover to cover movement is a method of moving from one piece of good cover to another. The intent is to find the best cover possible or avenues of exit or safety. Two phrases that should be remembered for this movement are "moving" (preparatory command) and "move".

Instructor should explain this concept in relationship to the ICE qualification at the 25 yard line. If you touch the barricade at the 25 you are on-cover, if you do not use the barricade to steady yourself or the weapon you are off-cover.

Instructor should also emphasize the fact that modern cars are no longer good cover given their light construction.

Instructors can use another student and demonstrate the cover to cover management drill.

Contact and Cover

EPO 4

Explain and demonstrate the principle of contact and cover.

The principle of contact and cover officer is a technique that has been used in law enforcement for decades. It allows two or more officers to work in close proximity to each other on the same task. While each has a different area of responsibility, each has the same desire for a successful outcome. One officer (**CONTACT**) handles the situation or individual while the other officer (**COVER**) conducts a threat assessment of the surroundings. The roles of the officers may change at any moment. Officers should be ready to adjust to the situation or actions.

Contact Officer: Contact officer is usually doing the action and may be engaging subject verbally or conducting a pat down search or putting on handcuffs. Contact officer normally gives commands and focuses on the target or target area.

Cover Officer: Cover officer provides cover for the contact officer and is responsible for covering the contact officer and 360 degree surrounding area. Cover officer should visually scan the immediate area for additional suspects or threats. Should try to take in the situation and surroundings looking for documents, drugs or other contraband, and weapons that are in plain sight.

Remember the POA or Position of Advantage should always be the position the officer should try to get into or remain until the officer needs to give that position up to complete a task. POA is typically behind the violator, or the violator is made to turn around and face away from the officer(s). When applying handcuffs the officer will give up the POA and complete the task. The POA can involve both position and distances. Remember the Reactionary gap is four to six feet and to be more aware of your surroundings the smaller the gap.

Remember, Roles can change because of many reasons.

1. Cultural differences
2. Language Barriers
3. Personal interactions
4. Physical challenges

Contact/cover drills will be practiced with two student officers and one instructor role player. Two students will stand 10 feet apart with their backs to each other and the instructor in the middle. On the command of "in-role", students will face the threat and deal with the role-player in a typical street law enforcement encounter. Students will need to stop the role-player without touching him and using force appropriate for that encounter.

Refer to Basic Tactics Drill Card. **Contact/Cover Drills**

Instructors will demonstrate to ensure students are aware of what is to be expected. Once demonstrated, the students will complete the tasks under supervision. The instructor will make immediate correction to any deficiencies.

Emphasize that the contact officer and cover officer must trust each other. Through communication each officer makes the other aware of an ever changing environment. This will develop as officers have experience working with each other.

S-----I-----S

Instructor will try to keep students in crossfire the entire time. Instructor will then explain and demonstrate how officers can defeat this tactic.

This is a dynamic representation of the L and V formation.

Two basic formations for contact and cover officer are the tactical “L” or “V”. These positions allow officers to address situations with weapons drawn or holstered.

To avoid a crossfire have the contact officer stand offline of the suspect while the cover officer stands either left or right of the contact officer. Both officers should stand far enough apart that the suspect is unable to focus on both officers at the same time. If the officers need to engage the suspect ensure neither officer is in the other’s background

“L” Formation

Officer

Suspect

Officer

“V” Formation

Officer

Officer

Suspect

Methodical Building Search

EPO 4

Explain and demonstrate slow methodical building search.

Searching buildings carries with it an inherent risk of the unknown. There are many techniques and schools of thought for how a building should be searched. Conducting a safe and effective search should be the desired result of all tactics employed.

Slow does not mean slow motion. Move no faster than you can assess a threat or recognize a danger area. A slow and methodical search allows you to use all of your senses. Although your eyes provide the most information, pay attention and react to sounds, smells and your intuition. Remember to maintain a high level of situational awareness.

As occupants are encountered during a search, they should be asked to move to a central location (with other occupants) where the contact and cover officers are located. The contact and cover officers will control all occupants in this central location until the residence is secure.

Refer to Basic Tactics Drill Card. **Door Entries, Room Clearing, Hallways and Multiple Rooms.**

Instructors will demonstrate to ensure students are aware of what is to be expected. Once demonstrated, the students will complete the tasks under supervision. The instructor will make immediate correction to any deficiencies.

Remind students this is a consensual search and occupants cannot be forced to move to a central location. Discuss times when moving all occupants to a central area can be a disadvantage. Such as when you have multiple uncooperative occupants.

Methodical means there is a method or system to how you search for a suspect. First look for a person in plain view. Next look for where a person could hide, to include under beds, closets and ceilings.

A danger area is a place where the officer is exposed or where the officer is channeled into. Some examples include: doorways, windows, and hallways. Officers must try to avoid or minimize time in danger areas. Be aware of backlighting in hallways or doorways. Try to read the light before entering a danger area.

The cornering technique is used to clear a room or an unknown threat area. The officer should walk naturally around corners while clearing with or without a violator or suspect. With a violator, the officer should remain at the position of advantage. The officer should try to search as much of the room as possible before entering.

Some options are to call the violator out into an area that is controlled by the officer(s), order the violator down in place and clear the rest of the corner or room or hold the violator at that position and call other officers to make the approach to effect the arrest.

The officers may also need to clear opposing corners and this evolution will be done with more than one officer. Opposing corners are done by two officers entering danger area together and as they break the threshold, turn towards threat and clear the opposing corners. Avoid placing your back to an unsearched area.

Walk naturally as to maintain a good defensive platform.

Remind the students of the type of warrant they are executing. Are they looking for a person or are they looking for an item?

If looking for a person then they can only look where a person may hide.

Students should be made aware of gear and narrowness of hallways.

Make exposure as minimal as possible.

Emergency action plan

EPO 5

Explain an Emergency Action Plan.

The emergency action plan, although rarely used, is a plan of action that may save seconds in a critical situation. Some situations that might call for activating emergency procedures are:

1. Shots fired;
2. Officer shot;
3. Explosive device found.

Encourage students to use plain language and not code words such as “avalanche” or “red rocket” etc. Code words can be confusing and everyone may not understand or remember the code words.

The action plan for dealing with an injured officer may differ from an injured suspect. We may transport an officer to the hospital as opposed to calling EMS for a suspect. The plan should cover:

1. Where vehicle keys are to be stored and planned routes to hospital;
2. Who will drive;
3. Who, if anyone, remains at location.

The plan for shots fired may cover:

1. Everyone returning to one room;
2. Ensuring everyone is accounted for before exiting building;
3. Setting up a strong hold/perimeter and calling for additional assistance.

Having a plan for the egress of a building or structure is important and should be part of the Standard Operating Procedure (SOP) of every field office. Again, use of plain language is encouraged and a simple command such as “GET-OUT” is understood by all. This will be used when the team must egress the building as quickly as possible. This will be a tactical withdrawal, but must be done quickly.

Summary

Law enforcement operations are inherently dangerous. Officer safety is paramount, and if the odds are not in our favor, there is no shame in coming back another day.

ENABLING PERFORMANCE OBJECTIVES

1. Explain and demonstrate proper weapons handling.
2. Explain and demonstrate flashlight techniques.
3. Explain and demonstrate the difference between cover and concealment
4. Explain and demonstrate the principle of contact and cover.
5. Explain and demonstrate slow methodical building search.
6. Explain an emergency action plan.

TAKE AWAYS

Students should never compromise safety.

LABORATORY

Topic 1: Basic Tactics Drill Card

A brief lecture will be conducted prior to the laboratory. The laboratory will be conducted using the Basic Tactics Drill card.

Topic 2: Location

The instructor will use the assigned outdoor area, raid house and available structures to conduct class. All other procedures for that specific program and/or class should be followed (i.e. attendance rosters, medical restrictions, etc).

Topic 3: Demonstrate

The instructor will demonstrate all techniques. After each demonstration the instructor will direct the students to practice the techniques. If a technique requires a role-player the students will role-play as subjects during the contact and cover techniques. Role-playing subjects will place their web gear off to the side and out of the way.

Topic 4: Method

The tactics will initially be taught in a step-by-step or static mode. This will allow simplicity in effecting the concepts and movements, as well as giving the instructor more time for correction and control.

Topic 5: Safety

The instructor should make any corrections immediately for safety reasons and time. Students will also be informed that they will be critiqued during the period of instruction.

Resources

BASIC TACTICS DRILL CARD

Attached

Approval Page

Approved by:

Section Chief, Division	Date
Unit Chief	Date
Director, Office of Training and Development	Date
Division Representative (DRO, OI, OPR, INTEL, FPS)	Date

The signature of the Division Representative, but if present indicates that the content presented in this lesson plan is accurate.

Basic Tactics Drill Card with Explanation:

1. Weapons Handling

- Method to sling long guns, (NOTE: Long guns are generally not utilized while serving administrative warrants. They may be used in certain circumstances such as when on perimeter).
- Finger off trigger, muzzle control, positive control (support hand off if needed).
- Long gun positions-high ready, low ready, alternate and close quarter (over shoulder and under).
- Handgun positions, high ready, close quarter and alternate.
- Transitions - long gun to handgun and back.
- Flashlight positions, away from body, cross grip support, throw fingers support.
- Muzzle control drill.

Note: Don't look to talk, use peripheral vision.

2. Body Movement - Walking and Positions

- In place/balanced body movement, up, down, turn, bend -natural body movement/scanning drill.
- Walking and scanning with natural body movement and head eyes muzzle together concept (Note: muzzle control and peripheral vision).
- Serpentine drill.
- Positions - standing, kneeling, squatting, prone, transitions.
- Walking with position changes and transitions.

3. 360 Degree Security Concept

- Walking and scanning 360 - 1 person.
- Walking and scanning 360 - 2 person.
- Run and catch-up drill - 2 person.
- Walking and scanning 360 - 4 person.
- Walking and scanning 360 - 6 person.

Note: Communications, keep track of partner, Team Leader, areas of responsibility and overlaps.

4. **Cornering**

- With weapon walking natural around corner - no suspect.
- With weapon walking with suspect, manipulate corner as cover. Position of Advantage (POA) options. Call suspect to you or put down in place, clear rest of corner and use POA.
- Adjust suspect near and far (use peripheral vision also). Adjust officer close and far off corner.
- Two person both guns around corner, positive contact of officers.
- Two person both guns around corner, positive contact of officers w/suspect.
- Two person cornering one covering rear security.
- Two person opposing corners, three person opposing corners.
- Serpentine drill with cornering.

5. **Danger Areas**

- Define danger areas.
- Change position of advantage to cover multiple danger areas backing up and or stacking principle.

6. **Cover Management Drill**

- Define on cover and off cover and concealment (see new definitions).
- Tell students to take a position (standing, kneeling, prone, squatting) call on cover or off cover have them demonstrate both (make corrections as needed).
- Have students move away from the cover, say go and have them move to cover then use any and all positions around the cover at will.

7. **Cover to Cover Movement**

- Review positions from cover management.
- Single officer moving from cover to cover.
- Two officers moving from cover to cover using mutual support concepts.
- Four officers moving from cover.

8. Contact/Cover Drills and POA

- Explain goals and responsibilities. Cover partner and avoid potential cross fires, contact handling suspect, cover watching partner, suspect and 360 (demonstrate good positions for officers).
- Drill 1 - Two officers facing away set in potential crossfire, instructor in middle, instructor turns towards one of the officers and has them both turn around. Whoever the instructor is facing is the contact therefore the cover should adjust. (no weapon). Repeat for both officers.
- Drill 2 - Same positions, officers turn, suspect (instructor) has weapon, and whoever the suspect faces should initiate the direction of movement. The cover officers should move towards partner (both addressing the threat simultaneously) commands, shoot etc.
- Place one or two pieces of cover close by each officer and repeat previous drill have them move to cover while engaging or after they get there.
- Doorway way demo, vehicle demo, crossfire avoidance.

9. Securing Visible Weapons

- Communicate that you see the weapon.
- Move subject away from the weapon.
- Place subject in a position of disadvantage (hands, body and direction).
- Move in and recover, make weapon safe and secure.

10. Door Entries

- Single officer walking through doorway, showing slow steady pace and timing.
- Explain concepts – multiple officer door entry each goes opposite direction; points not wrong;
- Two officers walking through using button hook or crisscross.
- Explain - field of view prior to entry (middle of room, corner is blind spot); hinge side vs. door knob side advantages and disadvantages.
- Clear across door two person entry, (one clears across or they

11. Room Clearing

- Explain two persons in every room concept; priorities known vs. unknown. Explain field of view prior to entry or crossing threshold of doorway can see middle of room, corner is blind spot, clear corners. Hinge side vs. door knob side advantages and disadvantages; don't over penetrate; find work, communicate.
- Two people into single room.
- Four people into single room.

12. Hallways

- One officer one side of hallway.
- Two officers using both sides of hallway.
- One officer kneeling other officer standing same side hallway, switching from kneeling to standing, standing to kneeling.
- Moving down hallway, side by side, narrow hallway one officer halfway behind the other and or one officer covering 6 o'clock.

12. Multiple Room Clearing

- Four officers
- Six officers
- Six and controlling suspects, known threats in center of room.
- Use of team leader
- Approaches to house or building

13. Breaching

- Explain how to hold ram; where to strike door; positioning in doorway and advantages and disadvantages for each; safety and what to do after; anywhere in or out of stack on approach except first or last.
- Explain knock and announce, alternate entry points and stacking concepts.
- This will be covered extensively in AFOTP

14. Elevators and Stairs

- One officer, clearing elevator
- Two officers, both clearing elevator and stairs
- Four officers clearing stairs

15. Ladders and Roofs

Demonstrate moving up ladder with weapon in the holster (emphasize staying below plane of corner so the officer is not seen prior to having weapon on danger area), squat, draw weapon, stand up on ladder clearing the top corner of the roof. If needed, officer can holster weapon, get onto roof, draw weapon and call up partner(s) or the officer may choose to keep weapon out and get onto roof, then call up partner(s). Long gun can be slung on back prior to moving up ladder.

Instructor Checklist that can be laminated

Instructor Checklist- Basic Tactics Drills

1) **Weapons Handling**- Method to sling long guns, Finger Off Trigger, Muzzle Control, positive control (support hand off if needed), **Long Gun positions**- high ready, low ready, alternate, close quarter (over shoulder and under), alternate sling position. **Hand gun positions**- high ready, close quarter, alternate, **Transitions, Flashlight positions**- away from body, cross grip support, through fingers support, **Muzzle Control Drill**

NOTE: Do not look to talk, and Use peripheral vision

2) **Body Movement/Walking/Positions**- In place, balanced body movement, up down, turn , bend- natural movement, **Scan Drill, Walking and Scanning**, with natural body movement, head and eyes muzzle concept **NOTE**: muzzle control and peripheral vision, **Serpentine Drill . Positions**- standing, kneeling, squatting, prone, transitions, **Walking** with position changes

3) **360 Degree Security Concept**- Walk scanning 360- 1 person, 2 person. **Run and Catch-up**. Walk while scanning 4, 6 Officers, **NOTE**: Communication, Keep track of partner(s), Tm.Ldr. mutual support, overlapping areas of responsibility

4) **Cornering**- walk naturally around corner while clearing (no suspect), **clear corner w/ challenge**, manipulate cover (Positions of Advantage) **options**- call suspect to you, order down in place, clear the rest of the corner, **corner** with suspect near/far and with officer near/far, use peripheral vision, **2 Officers clear corner** (maintain positive contact) **2 Officers corner** (positive contact) with challenge, **2 Officers clear corner** with one covering rear security, **2 Officers clear opposing corners**, **3 Officers clear opposing corners**, **Serpentine Drill w/ cornering**

5) **Danger Areas**- Define danger areas, change position of advantage to cover multiple Danger Areas (back-up and /or stack danger area principle) **Danger Area Drill**

6) **Cover Management Drill**- Define On Cover and Off Cover and concealment, tell students to take position (standing, kneeling, prone, squat) and call On Cover or Off Cover (make necessary corrections), start OFFICER away from cover, have OFFICER react and move to cover and use any and all positions around the cover

7) **Cover to Cover Movement**- review cover management as necessary, move Cover to Cover 1 OFFICER, 2 Officers, 4 Officers, 4 OFFICER egress using cover to cover movement

Instructor Checklist- Basic Tactics Drills (continued)

8) Contact/Cover Drills- explain goals/responsibilities, demo positioning, avoid crossfire, (Instructor as role player) **Drill 1**- set Officers in crossfire w/ backs turned, have them face cover OFFICER should adjust, initiate a contact, **Drill 2**- same as drill 1 only instructor has a weapon, **Drill 3**- same as before only have Officers move to cover while engaging, or after getting to cover, **Demo** crossfire at doorway and vehicle, show how to avoid

9) Securing Visible Weapons- POA- Cover/Distance, separate from weapon, POD-prone, exceptions- kneeling, standing, secure suspect/weapon. **Drill 1**- weapon in hand, **Drill 2**- weapon close proximity, vehicle, building **Drill 3**- weapon on person, Additional Encounters- high risk, low risk. **Additional drills.**

10) Door Entries- start with 1 OFFICER walking through doorway, discuss slow steady pace and timing, **Explain** Concepts, opposite direction of person in front of you, point is not wrong, **2 Officers** crisscross, buttonhook, **Explain** field of view prior to entry (middle to corner while moving), **Explain** pros/cons hinge side/doorknob side, Clear across doorway (one or both can move across), **Explain** purpose of stack- avoid gaps, help with timing, physical contact, ready signals, 4 officer stack w/ entry, 6 OFFICER stack w/ entry

11) Room Clearing- Explain- 2 Officers in every room, Priorities- known vs. unknown, Review field of view prior to entry, clear corners, find next danger area, find work, don't over penetrate, communicate, 2 Officers clear single room, 4 Officers clear single room, etc.

12) Hallways- 1 Side, 2 Sides, High/Low and changes, moving down the hallway side by side, one OFFICER behind with gun up, one officer behind covers rear, opposing doors- options with 2, 3, 4+ Officers, weapon recovery in hallway- close quarter handcuffing, cover danger areas, secure weapon/suspect, continue to clear.

13) Multiple Rooms – 4 Officers, 6 Officers, 6 Officers w/ suspects to control, use of team leader, add approaches

14) Breaching- explain how to hold RAM, where to strike door, positioning at doorway-pros/cons, safety and what to do after breaching door, in or out of stack (not 1st or last) **NOTE: Knock and Announce**- 3 parts, **Alternate entry** points, **360 and stacking** concepts, Add team and approach, Alternate entries

15) Elevators & Stairs- Elevator- Single and with a partner, Stairs- 2 options stack, bounding, 2, 4, 6 Officers

16) Ladders/Roof tops- Single w/ Partner

BASIC TACTICS

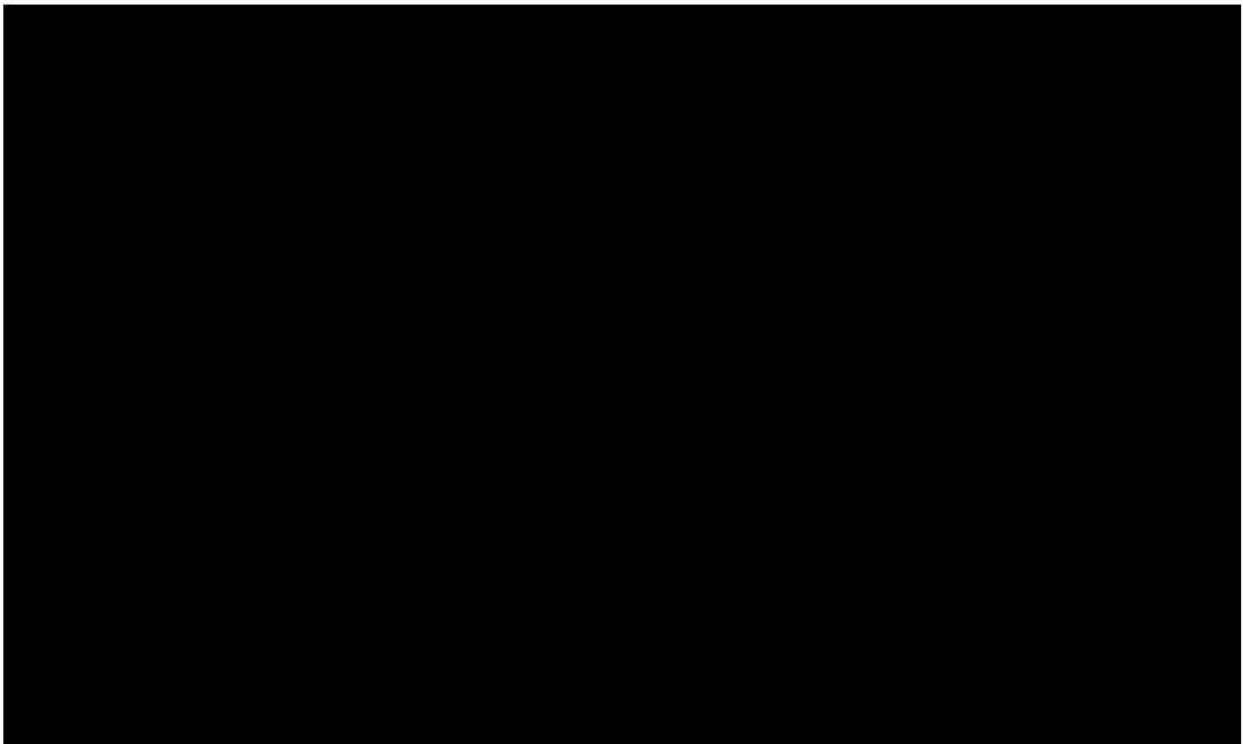
Detention and Removal Operations Training
Division

DRO7030.02

December 2009



U.S. Immigration
and Customs
Enforcement



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Lesson Plan Overview

Course Title		Basic Tactics			
Course Number		DRO7030.02			
Course Duration		See below			
Lecture Time	Lab Time	PE/Exam Time	Total Time	Programs	Applicable Portions
2	8	0	10	FOTP	All EPOs
1	7	0	8	ALERT-I ICE-D	All EPOs
1	3	0	4	ALERT-D	All EPOs
Course Description		This course presents a discussion of the various principals and techniques of basic tactics used in conducting DRO Field Operations.			
Terminal Performance Objective (TPO)		Given field situations, the ICE officer will identify and demonstrate skills to safely and effectively utilize basic tactics in support of DRO enforcement activities.			
Enabling Performance Objectives (EPO)		1. Explain and demonstrate proper weapons handling. 2. Explain and demonstrate flashlight techniques. 3. Explain and demonstrate the principle of contact and cover 4. Explain and demonstrate slow methodical building search. 5. Explain an emergency action plan.			
Instructional Methods		• Lecture • Discussion • Demonstration			
Method of Evaluation		Scenario-Based Laboratory			
Classroom Requirements		• Group classroom (6 table groups with instructor station including computer, projector, and screen) • Mock housing area			

Lesson Plan Overview

Instructor Materials/ Resources	• Instructor Guide • Presentation Slides • Instructor station with presentation equipment • Duty Belt/with Flashlight • Red Gun training weapon • Red Rifle training weapon • Tactics Card
Student Materials/ Resources	• Duty Belt/with Flashlight • Red Gun Training Weapon • Red rifle training weapon
Instructor Special Requirements	• BasicTactics Instructor Training Course • Each Instructor should work with 6-8 students
Student Special Requirements	None
Role-Players	None

Curriculum Development and Review Team

Developed by:

(b)(6),(b)(7)(C) CDI, Advanced Training Section

Date

June 2007

Revised by:

(b)(6),(b)(7)
(C)

Date

December 2009

Summary of revisions:

Added 2 more hours of lab for FOTP. Course content did not change.

Reviewed by:

(b)(6),(b)(7)
(C) Branch Chief Specialties, ICE Academy (Advanced)

Date

December 2009

(b)(6),(b)(7)(C) Section Chief, ICE Academy (Advanced)

December 2009

Table of Contents

Introduction	1
Purpose of Course.....	1
Enabling Performance Objectives.....	1
Introduction, Motivation, and Rapport.....	1
Weapons Handling	1
EPO 1.....	1
Flashlight Techniques	2
EPO 2.....	2
Contact and Cover.....	3
EPO 3.....	3
Methodical Building Search.....	5
EPO 4.....	5
Emergency action plan	6
EPO 5.....	6
Summary	8
Enabling Performance Objectives.....	8
Take Aways	8
Laboratory.....	9
Resources	10
Basic Tactics Drill Card.....	10

Introduction

PURPOSE OF COURSE

Officer will have a basic understanding of tactics that are safe and consistent with all DRO policies. Given field situations, the ICE officer will identify and demonstrate skills to safely and effectively utilize basic tactics in support of DRO enforcement activities.

ENABLING PERFORMANCE OBJECTIVES

1. Explain and demonstrate proper weapons handling.
2. Explain and demonstrate flashlight techniques.
3. Explain and demonstrate the principle of contact and cover.
4. Explain and demonstrate slow methodical building search.
5. Explain an emergency action plan.

Introduction, Motivation, and Rapport

Officers need to employ good tactical principles and techniques during all enforcement operations. DRO personnel will receive instruction in proper weapons handling, conducting slow and methodical room and building searches, conducting surveillance, demonstrating the roles of contact and cover officer, as well as basic flashlight deployment techniques.

Weapons Handling

EPO 1

Explain and demonstrate proper weapons handling.

Weapons handling skills should be basic and consistent with training received from FLETC Firearms Division.

Refer to Basic Tactics Drill Card. **Weapons Handling**

1. Finger off the trigger: The trigger finger is outside of the trigger guard.
2. Muzzle control: The weapon is not pointed toward your partner(s) or innocent by-stander to ensure least amount of damage if accidentally discharged. Be aware of where the weapon is pointing.
3. Positive control of weapon: Strong hand of officer is always on weapon when that weapon is drawn out of holster or is a long arm. When possible officer has two hands on the weapon or has weapon in a close quarter position to aid in retention.

Do not look to talk.

Use peripheral vision.

Keep finger off trigger until ready to shoot!

Keep muzzle pointed toward your threat or threat area.

Weapon Handling positions include:

1. High ready: Weapon is at chest level, arms fully extended, weapon should be below vision.
2. Alternate: Wrist is broken down of the support hand and weapon is pointed in a downward direction so as not to point the weapon at your partner, other officers or innocent third parties.
3. Close quarters: Weapon close to body, elbow bent 90 degrees or more. Both hands on weapon when possible. Note: CQ position can also be done with strong hand only.

Students should not be focused on sights; they should be focused on what is in front of the weapon.

Emphasize auditory exclusion and tunnel vision.

Student may use support hand to redirect, open and or move something.

Remain focused on the third eye principle when weapons are involved.

The third eye concept is a technique where the weapon should always be pointed in the same direction you are looking. The officer may have to use an alternate method to prevent laser/muzzling a partner or teammate.

Shooting positions: standing, kneeling, squatting and prone.

Flashlight Techniques

EPO 2

Explain and demonstrate flashlight techniques

The following are common flashlight positions. All positions should be completed with the flashlight in the support hand.

Refer to Basic Tactics Drill Card. **Weapons Handling**

1. Cross grip support (Harries) method: backs of hands are pressed together, weapon hand supported by support hand wrist.
2. Away from the body (FBI) method: weapon held one hand unsupported, flashlight away from body, up or to the side.
3. Through fingers support (Rogers) method: light is held between index and middle finger, base of thumb presses tail cap. Weapon hand is supported at base of thumb.
4. Neck index method: weapon held with one hand. Flashlight held at shoulder height close to neck or side of head.

Try to maintain 1 to 3 second burst, enough to acquire your sites and target.

Remember, you have to move after you activate your flashlight.

Use the ceiling to reflect light from the flashlight to search before entering room. Also use the wall light switch to turn on room lights before entering. Typically, light switches are located 36-48 inches from the floor and 6-12 inches on the doorknob side of the wall.

Distance from officer to suspect will be determined by the situation and perceived threat. The distance between officers should be close enough to effectively communicate and assist but enough distance to not allow the suspect to engage both officers simultaneously. Use the light to your advantage, shine high power light into the eyes of the violator.

Backlighting will silhouette the officer making them an easy target. To counter backlighting, use a continuous stream of light until officer has moved from the area. When searching with a light and a suspect is encountered, shine light directly into suspect's eyes to disrupt his night vision.

Contact and Cover

EPO 3

Explain and demonstrate the principle of contact and cover.

The principle of contact and cover officer is a technique that has been used in law enforcement for decades. It allows two or more officers to work in close proximity to each other, on the same task. While each has a different area of responsibility, each has the same desire for a successful outcome. One officer (**CONTACT**) handles the situation or individual while the other officer (**COVER**) conducts a threat assessment of the surroundings. The roles of the officers may change at any moment. Officers should be ready to adjust to the situation or actions.

Contact Officer: Contact officer is usually doing the action and may be engaging subject verbally or conducting a pat down search or putting on handcuffs. Contact officer normally gives commands and focuses on the target or target area.

Cover Officer: Cover officer provides cover for the contact officer and is responsible for covering the contact officer and 360 degree surrounding area. Cover officer should visually scan the immediate area for additional suspects or threats. Should try to take in the situation and surroundings looking for documents, drugs or other contraband, and weapons that are in plain sight.

Remember, Roles can change because of many reasons.

1. Cultural differences
2. Language Barriers
3. Personal interactions
4. Physical challenges

Refer to Basic Tactics Drill Card. **Contact/Cover Drills**

Emphasize that the contact officer and cover officer must trust each other. Through communication each officer makes the other aware of an ever changing environment. This will develop as officers have experience working with each other.

Two basic formations for contact and cover officer are the tactical “L” or “V”. These positions allow officers to address situations with weapons drawn or holstered.

“L” Formation

Officer

Suspect

Officer

To avoid a crossfire have the contact officer stand offline of the suspect while the cover officer stands either left or right of the contact officer. Both officers should stand far enough apart that the suspect is unable to focus on both officers at the same time. If the officers need to engage the suspect ensure neither officer is in the other’s background

“V” Formation

Officer

Officer

Suspect

Methodical Building Search

EPO 4

Explain and demonstrate slow methodical building search.

Searching buildings carries with it an inherent risk of the unknown. There are many techniques and schools of thought for how a building should be searched. Conducting a safe and effective search should be the desired result of all tactics employed.

Slow does not mean slow motion. Move no faster than you can assess a threat or recognize a danger area. A slow and methodical search allows for use of all your senses. Although your eyes provide the most information, pay attention and react to sounds, smells and your intuition. Remember to maintain a high level of situational awareness.

Refer to Basic Tactics Drill Card. **Door Entries, Room Clearing, Hallways and Multiple Rooms.**

Walk naturally as to maintain a good shooting platform.

Methodical means there is a method or system to how you search for a suspect. First look for a person in plain view, second look for where a person could hide, to include under beds, closets and ceilings.

A danger area is a place where the officer is exposed or where the officer is channeled into. Some examples include: doorways, windows, and hallways. Officers must try to avoid or minimize time in danger areas. Be aware of backlighting in hallways or doorways. Try to read the light before entering a danger area.

The cornering technique is used to clear a room or an unknown threat area. The officer should walk naturally around corners while clearing with or without a violator or suspect. With a violator, the officer should remain at the position of advantage (POA). The officer should try to search as much of the room as possible before entering.

Some options are to call the violator out into an area that is controlled by the officer(s), order the violator down in place and clear the rest of the corner or room or hold the violator at that position and call other officers to make the approach to effect the arrest.

The officers may also need to clear opposing corners and this evolution should be done with more than one officer. Opposing corners will be done by two officers entering danger area together and as they break the threshold, turn towards threat and clear the opposing corners. Avoid placing your back to an unsearched area.

Remind the students of the type of warrant they are executing. Are they looking for a person or are they looking for an item?

If looking for a person then they can only look where a person may hide.

Make students aware of gear and narrowness of hallways.

Make uncontrolled exposure as minimal as possible.

Emergency action plan

EPO 5

Explain an Emergency Action Plan.

The emergency action plan, although rarely used, is a plan of action that may save seconds in a critical situation. Some situations that might call for activating emergency procedures are:

1. Shots fired;
2. Officer shot;
3. Explosive device found.

Discourage the students using code words such as "avalanche" or "red rocket" etc. Code words can be confusing and everyone may not understand.

Emphasize plain English.

The action plan for dealing with an injured officer may differ than an injured suspect. We may transport an officer to the hospital as opposed to calling EMS for a suspect. The plan should cover:

1. Where vehicle keys are to be stored and planned routes to hospital;
2. Who will drive;
3. Who, if anyone, remains at location.

The plan for shots fired may cover:

1. Everyone returning to one room;
2. Ensuring everyone is accounted for before exiting building;
3. Setting up a strong hold/perimeter and calling for additional assistance.

Having a plan for the egress of a building or structure is important and should be part of the Standard Operating Procedure (SOP) of every Field Office. A code could be used and could be as simple as "GET-OUT" or something similar. This will be used when the team must egress the building as quickly as possible. This will be a tactical withdrawal, but must be done quickly.

Summary

Law enforcement operations are inherently dangerous. Officer safety is paramount, and if the odds are not in our favor, there is no shame in coming back another day.

ENABLING PERFORMANCE OBJECTIVES

1. Explain and demonstrate proper weapons handling.
2. Explain and demonstrate flashlight techniques.
3. Explain and demonstrate the principle of contact and cover.
4. Explain and demonstrate slow methodical building search.
5. Explain an emergency action plan.

TAKE AWAYS

Students should never compromise safety.

LABORATORY

Topic 1: Basic Tactics Drill Card

A one hour lecture will be conducted prior to the laboratory. The laboratory will be conducted using the Basic Tactics Drill card.

Topic 2: Location

The instructor will use the assigned outdoor area, raid house and available structures to conduct class. All other procedures for that specific program and/or class should be followed (i.e. attendance rosters, medical restrictions, etc).

Topic 3: Demonstrate

The instructor will demonstrate each enabling performance objective after each technique the instructor will direct the students to apply the techniques. If a technique requires a role-player the students will role-play as subjects during the contact and cover techniques. Role-playing subjects will place their web gear off to the side and out of the way.

Topic 4: Method

The tactics will initially be taught in a step-by-step or static mode. This will allow simplicity in effecting the concepts and movements, as well as giving the instructor more time for correction and control.

Topic 5: Safety

The instructor should make any corrections immediately for safety reasons and time. Officers will also be informed that they will be critiqued during the period of instruction.

Resources

BASIC TACTICS DRILL CARD

Attached

Approval Page

Approved by:

Section Chief, Division	Date
Unit Chief	Date
Director, Office of Training and Development	Date
Division Representative (DRO, OI, OPR, INTEL, FPS)	Date

The signature of the Division Representative, but if present indicates that the content presented in this lesson plan is accurate.

Basic Tactics Drill Card with Explanation:

1. Weapons Handling

- Method to sling long guns,
- Finger off trigger, muzzle control, positive control (support hand off if needed).
- Long gun positions-high ready, low ready, alternate and close quarter (over shoulder and under).
- Handgun positions, high ready, close quarter and alternate.
- Transitions - long gun to handgun and back.
- Flashlight positions, away from body, cross grip support, throw fingers support.
- Muzzle control drill.

Note: Don't look to talk, use peripheral vision.

2. Body Movement - Walking and Positions

- In place/balanced body movement, up, down, turn, bend -natural body movement/scanning drill.
- Walking and scanning with natural body movement and head eyes muzzle together concept (Note: muzzle control and peripheral vision).
- Serpentine drill.
- Positions - standing, kneeling, squatting, prone, transitions.
- Walking with position changes and transitions.

3. 360 Degree Security Concept

- Walking and scanning 360 - 1 person.
- Walking and scanning 360 - 2 person.
- Run and catch-up drill - 2 person.
- Walking and scanning 360 - 4 person.
- Walking and scanning 360 - 6 person.

Note: Communications, keep track of partner, Team Leader, areas of responsibility and overlaps.

4. **Cornering**

- With weapon walking natural around corner - no suspect.
- With weapon walking with suspect, manipulate corner as cover. Position of Advantage (POA) options. Call suspect to you or put down in place, clear rest of corner and use POA.
- Adjust suspect near and far (use peripheral vision also). Adjust officer close and far off corner.
- Two person both guns around corner, positive contact of officers.
- Two person both guns around corner, positive contact of officers w/suspect.
- Two person cornering one covering rear security.
- Two person opposing corners, three person opposing corners.
- Serpentine drill with cornering.

5. **Danger Areas**

- Define danger areas.
- Change position of advantage to cover multiple danger areas backing up and or stacking principle.

6. **Cover Management Drill**

- Define on cover and off cover and concealment (see new definitions).
- Tell students to take a position (standing, kneeling, prone, squatting) call on cover or off cover have them demonstrate both (make corrections as needed).
- Have students move away from the cover, say go and have them move to cover then use any and all positions around the cover at will.

7. **Cover to Cover Movement**

- Review positions from cover management.
- Single officer moving from cover to cover.
- Two officers moving from cover to cover using mutual support concepts.
- Four officers moving from cover.

8. Contact/Cover Drills and POA

- Explain goals and responsibilities. Cover partner and avoid potential cross fires, contact handling suspect, cover watching partner, suspect and 360 (demonstrate good positions for officers).
- Drill 1 - Two officers facing away set in potential crossfire, instructor in middle, instructor turns towards one of the officers and has them both turn around. Whoever the instructor is facing is the contact therefore the cover should adjust. (no weapon). Repeat for both officers.
- Drill 2 - Same positions, officers turn, suspect (instructor) has weapon, and whoever the suspect faces should initiate the direction of movement. The cover officers should move towards partner (both addressing the threat simultaneously) commands, shoot etc.
- Place one or two pieces of cover close by each officer and repeat previous drill have them move to cover while engaging or after they get there.
- Doorway way demo, vehicle demo, crossfire avoidance.

9. Securing Visible Weapons

- Communicate that you see the weapon.
- Move subject away from the weapon.
- Place subject in a position of disadvantage (hands, body and direction).
- Move in and recover, make weapon safe and secure.

10. Door Entries

- Single officer walking through doorway, showing slow steady pace and timing.
- Explain concepts – multiple officer door entry each goes opposite direction; points not wrong;
- Two officers walking through using button hook or crisscross.
- Explain - field of view prior to entry (middle of room, corner is blind spot); hinge side vs. door knob side advantages and disadvantages.
- Clear across door two person entry, (one clears across or they

11. Room Clearing

- Explain two persons in every room concept; priorities known vs. unknown. Explain field of view prior to entry or crossing threshold of doorway can see middle of room, corner is blind spot, clear corners. Hinge side vs. door knob side advantages and disadvantages; don't over penetrate; find work, communicate.
- Two people into single room.
- Four people into single room.

12. Hallways

- One officer one side of hallway.
- Two officers using both sides of hallway.
- One officer kneeling other officer standing same side hallway, switching from kneeling to standing, standing to kneeling.
- Moving down hallway, side by side, narrow hallway one officer halfway behind the other and or one officer covering 6 o'clock.

12. Multiple Room Clearing

- Four officers
- Six officers
- Eight officers
- Six and controlling suspects, known threats in center of room.
- Use of team leader
- Approaches to house or building

13. Breaching

- Explain how to hold ram; where to strike door; positioning in doorway and advantages and disadvantages for each; safety and what to do after; anywhere in or out of stack on approach except first or last.
- Note also cover; knock and announce -three parts and can be anyone; alternate entry points, 360 and stacking concepts.
- Practice single officer breaches.
- Add team and approaches.
- Cover alternate entry practice.

14. Elevators and Stairs

- One officer, clearing elevator
- Two officers, both clearing elevator and stairs
- Four officers clearing stairs

15. Ladders and Roofs

Demo moving up ladder with weapon in the holster (emphasize staying below plane of corner so the officer is not seen prior to having weapon on danger area), squat, draw weapon, stand up on ladder clearing the top corner of the roof. If needed, officer can holster weapon, get onto roof, draw weapon and call up partner(s) or the officer may choose to keep weapon out and get onto roof, then call up partner(s). Long gun can be slung on back prior to moving up ladder.

16. Pinning a mobile Opponent

Officer will apply all tactics learned to this point in training. Instructor will put role player in a position where not to be seen until officers get close and or the role player decides the officers are about to observe them. The officers should clear danger areas, communicate, and then challenge role player when found. The role player will walk away from the officers until they cut off the avenue of escape and are about to go hands on the role player. The instructor will then call "Out of Role".

Instructor Checklist that can be laminated

Instructor Checklist- Basic Tactics Drills

1) **Weapons Handling**- Method to sling long guns, Finger Off Trigger, Muzzle Control, positive control (support hand off if needed), **Long Gun positions**- high ready, low ready, alternate, close quarter (over shoulder and under), alternate sling position. **Hand gun positions**- high ready, close quarter, alternate, **Transitions, Flashlight positions**- away from body, cross grip support, through fingers support, **Muzzle Control Drill**

NOTE: Do not look to talk, and Use peripheral vision

2) **Body Movement/Walking/Positions**- In place, balanced body movement, up down, turn , bend- natural movement, **Scan Drill, Walking and Scanning**, with natural body movement, head and eyes muzzle concept **NOTE**: muzzle control and peripheral vision, **Serpentine Drill . Positions**- standing, kneeling, squatting, prone, transitions, **Walking** with position changes

3) **360 Degree Security Concept**- Walk scanning 360- 1 person, 2 person. **Run and Catch-up**. Walk while scanning 4, 6 Officers, **NOTE**: Communication, Keep track of partner(s), Tm.Ldr. mutual support, overlapping areas of responsibility

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5) **Danger Areas**- Define danger areas, change position of advantage to cover multiple Danger Areas (back-up and /or stack danger area principle) **Danger Area Drill**

6) **Cover Management Drill**- Define On Cover and Off Cover and concealment, tell students to take position (standing, kneeling, prone, squat) and call On Cover or Off Cover (make necessary corrections), start OFFICER away from cover, have OFFICER react and move to cover and use any and all positions around the cover

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Instructor Checklist- Basic Tactics Drills (continued)

8) Contact/Cover Drills- explain goals/responsibilities, demo positioning, avoid crossfire, (Instructor as role player) **Drill 1**- set Officers in crossfire w/ backs turned, have them face cover OFFICER should adjust, initiate a contact, **Drill 2**- same as drill 1 only instructor has a weapon, **Drill 3**- same as before only have Officers move to cover while engaging, or after getting to cover, **Demo** crossfire at doorway and vehicle, show how to avoid

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13) Multiple Rooms – 4 Officers, 6 Officers, 8 Officers, 6 Officers w/ suspects to control, use of team leader, add approaches

14) Breaching- explain how to hold RAM, where to strike door, positioning at doorway-pros/cons, safety and what to do after breaching door, in or out of stack (not 1st or last) **NOTE: Knock and Announce**- 3 parts, **Alternate entry** points, **360 and stacking** concepts, **Practice**- single OFFICER breach door, Add team and approach, Alternate entries

15) Elevators & Stairs- **Elevator**- Single and with a partner, **Stairs**- 2 options stack, bounding, 2, 4, 6 Officers

16) Ladders/Roof tops- Single w/ Partner

17) Pinning a Mobile Opponent- 2 Officers, Move separately/work together, Mutual Support, Contact/Cover

Operational Planning

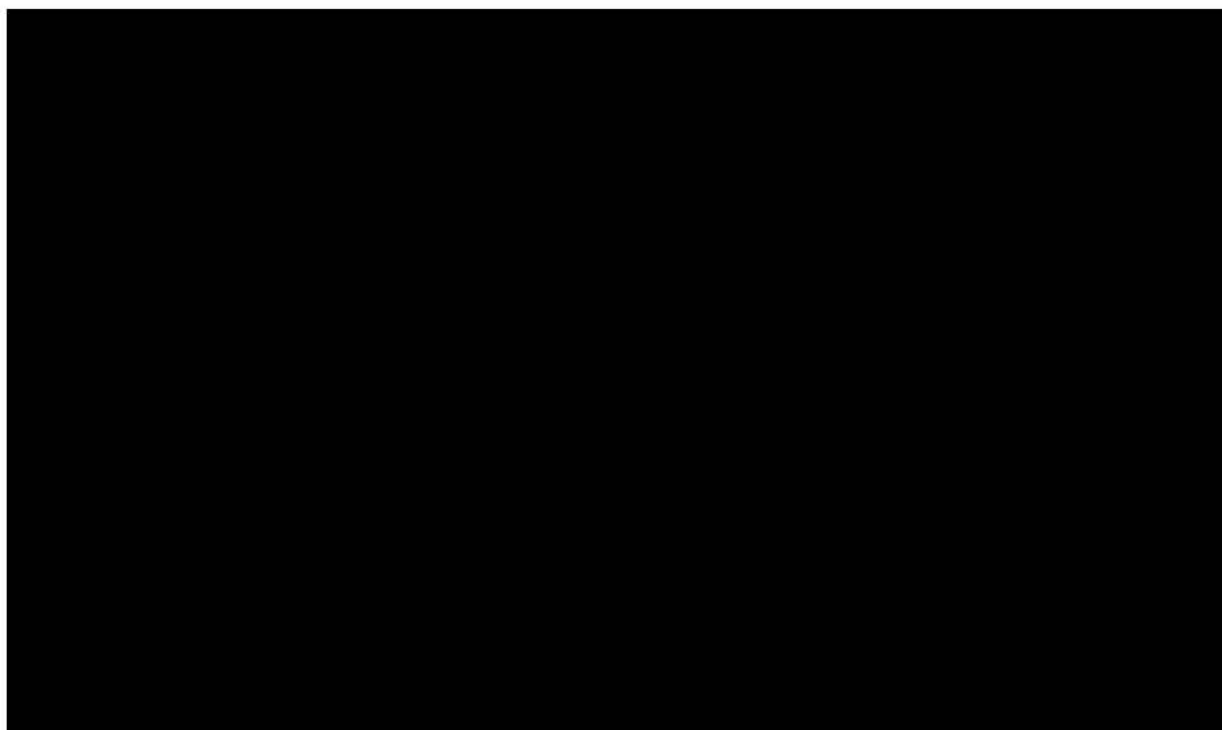
Detention and Removal Operations Training
Division

DRO7070.01

March 2009



**U.S. Immigration
and Customs
Enforcement**



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Lesson Plan Overview					
Course Title		Operational Planning			
Course Number		DRO7070.01			
Course Duration		2 hours			
Lecture Time	Lab Time	PE/Exam Time	Total Time	Programs	Applicable Portions
2 Hours			2 Hours	ICE -FOTP	All
Course Description		This course provides an overview of the Operations Planning process; fundamental principles of an operations order and execution of a large scale fugitive operation.			
Terminal Performance Objective (TPO)		Given a scenario involving a field driven operation directed by the Field Office Director, the student will demonstrate proper planning in preparation for a large-scale fugitive operation, according to ICE DRO policy.			
Enabling Performance Objectives (EPO)		1. Identify the phases/steps in preparation and planning required to prepare for a fugitive operation. 2. Identify the necessary contacts and notifications that must be completed prior to conducting an operation. 3. Identify the components of an operations order.			
Instructional Methods		• Lecture • Discussion • Demonstration			

Lesson Plan Overview	
Method of Evaluation	Instructor will gauge student responses and interaction during classroom discussion. Students will utilize information presented at lecture during FOTP practical exercise.
Classroom Requirements	Group classroom (6 table groups with instructor station including computer, projector, and screen)
Instructor Materials/ Resources	- Instructor Guide - Presentation Slides
Student Materials/ Resources	Participant Workbook for each student
Instructor Special Requirements	None
Student Special Requirements	None
Role-Players	None

Curriculum Development and Review Team

Developed by:

Date

(b)(6),(b)(7)(C) CDI, DRO Advanced

September 2008

Revised by:

Date

(b)(6),(b)(7)(C) CDI, DRO Advanced

November 2008

(b)(6),(b)(7)(C) CDI, DRO Advanced Training

March 2009

(b)(6),(b)(7)(C) HQDRO, NFOP

March 2009

Summary of revisions:

Converted to new format. Minor content changes with syntax and wording

Reviewed by:

Date

(b)(6),(b)(7)(C) Branch Chief Specialties, ICE Academy

March 2009

(b)(6),(b)(7)(C) Section Chief, ICE Academy

March 2009

Table of Contents

Introduction.....	1
PURPOSE OF COURSE	1
ENABLING PERFORMANCE OBJECTIVES	1
Pre-Operations Planning	1
EPO 1.....	1
Topic 1: Target Identification	1
Topic 2: Conduct Liaison.....	2
Pre-Operations Steps.....	2
EPO 2.....	2
Topic 1: Identify Personnel Resources.....	3
Topic 2: Identify Required Equipment.....	3
Topic 3: Surveillance	4
Routes of Travel should be driven in advance prevent unnecessary delays.	4
Operations Plan.....	4
EPO 3:.....	4
Identify the components of an Operations order	4
Topic 1: Operations Plan	4
Topic 2: Administration and Logistics.....	5
Topic 3: Command and Control.....	5
Topic 4: Execution of the Operation.....	6
Topic 5: Post Operation	6
Summary	6
Enabling Performance Objectives.....	7
Assessment.....	8
None.....	8
Resources.....	8
Handouts	8
Approval Page.....	9

Introduction

PURPOSE OF COURSE

In order to best utilize Fugitive Operation Teams and Detention and Removal Operations personnel it is necessary to take a systematic approach to operations planning. Given a scenario involving a local mandate from the Field Office Director, the student will demonstrate proper planning in preparation for a large-scale fugitive operation, according to ICE DRO policy.

ENABLING PERFORMANCE OBJECTIVES

1. Identify the phases/steps in preparation and planning required to prepare for a fugitive operation.
2. Identify the necessary contacts and notifications that must be completed prior to conducting an operation.
3. Identify the components of an Operations order.

Pre-Operations Planning

EPO 1

Identify the phases/steps required to prepare for a fugitive operation.

Topic 1: Target Identification

The first step in planning an enforcement operation is identifying the target of the operation, or setting parameters for selecting targets.

After thorough investigation and surveillance, you can narrow the list of targets to maximize results. Teams should consider using the Fugitive Operations Support Center (FOSC) as a resource for identifying targets.

A target list with all the necessary information needs to be sent to Headquarter for vetting. This information should contain target priority, criminal, fugitive etc.

Topic 2: Conduct Liaison

NFOP policy requires local law enforcement be notified prior to conducting operations. Local law enforcement can be a tremendous asset while performing enforcement activities. Notifying local law enforcement can serve to expand our knowledge of facts, identify leads, and prevent potential problems. Some law enforcement agencies are also willing to assist with the operation.

Use sector to help notify local police departments, assist with safety checks, and deconfliction.

Notification should be made within your local office. The detained unit should be notified to ascertain availability of bed space. The field office juvenile coordinator should be notified if a juvenile is identified as a target or in the event a juvenile is encountered.

SECTOR
1-800-X-sector. Remind the students of the capabilities of SECTOR and that they are there to support the mission of the NFOP.

Remember some Local Agencies are prohibited from providing assistance to ICE

Pre-Operations Steps

EPO 2

Identify the necessary contacts and notifications that must be completed prior to conducting an operation.

Topic 1: Identify Personnel Resources

The scope of your operation will be contingent upon the number of available officers and support personnel. Team leaders should be identified. Team leaders should be journeyman officers with fugitive operations experience. Other team assignments may be rotated; however, they should be clearly identified prior to the operation.

Assistance of other law enforcement assets should be requested well in advance of the operation. Further, enhanced cooperation among agencies serves to foster mutually beneficial law enforcement partnerships and liaison.

Clerical staff can be utilized to conduct record checks, create work files, and make other necessary preparations. They may also be utilized for record checks and notifications during the execution of the operation.

It is a good strategy to designate a transportation unit. Officers on this team should have Commercial Driver's Licenses (CDL). Staging areas should be arranged prior to the execution of the operation.

Topic 2: Identify Required Equipment

All standard issue equipment required should be identified. Officers participating in the operation should be notified of all required equipment well in advance to avoid any delays the day of the operation. The location for alien processing should be identified and all required processing equipment should be taken to the processing location and checked for functionality in advance.

Required equipment, such as vehicles (unmarked for surveillance, buses), communications devices (radios, cell phones), tactical equipment (flashlights, shotguns, rifles) should be identified.

Topic 3: Surveillance

Surveillance should be conducted on all locations where the proposed enforcement activity will occur. **If both work and residence addresses are known, surveillance should be conducted at both.**

In order to prevent conflicts, officers are required by policy to perform at (b)(7)(E) prior to conducting surveillance. Each officer should have ROI's or G-166c for taking notes during surveillance. This will prevent overlooked aspects of surveillance, maintain a uniform procedure for collecting intelligence, and prevent duplication of effort. Emergency medical facilities should have their routes identified, should the need arise while the operation is ongoing.

Routes of travel should be driven in advance prevent unnecessary delays.

Operations Plan

EPO 3:

Identify the components of an Operations order

Topic 1: Operations Plan

An operation order must be prepared if more than nine (9) arrests are anticipated. Operation orders must be submitted to the NFOP two weeks prior to the planned operation.

Operation orders utilize the following format:

1. Situation
2. Brief synopsis of the operation
3. Paragraph describing the mission and goals
4. Execution
5. Specifies how the mission will be carried out
6. Team assignments and duties designated

Reporting requirements and notification requirements are listed, as well as the officer designated to make notifications to Emergency Medical Services (EMS) in the local area.

Topic 2: Administration and Logistics

Identify processing areas, detention facilities, and processing responsibilities.

Case officers and team leaders should have vehicle assignments and equipment designated for team members. Identify who will be responsible for requesting travel documents (TD). Officers should be made aware of the need to secure all documents and identification to facilitate the removal of fugitives.

Lodging arrangements, if necessary, should be identified and OPSEC and common sense should be used when arranging for groups of officers to stay in the local AOR. Individuals working at these hotels may be sympathetic to their cause and not have our best interest at heart. By housing officers at several different locations and obtaining rental vehicles from several different vendors will maintain some operational security.

Use caution not to alert the general public that ICE is planning an operation; news may travel quickly about ICE presence.

Topic 3: Command and Control

The hierarchy of command is the line of authority and responsibility along which orders are passed. It designates authority and responsibilities in the event of an emergency.

Specify command structure, i.e.; FOD, AFOD, SDDO, Case Officers

Radio communication abilities should be addressed. A roster of officers with their telephone numbers should be included, as well as other important numbers, and possibly any medical conditions or blood type.

A briefing should be conducted prior to the operation at a designated meet site with all personnel involved. Any other law enforcement personnel who will be assisting should attend when possible.

The Operations plan should be discussed with all personnel during the briefing. The FOW(s) should include the identification and photograph of target, operation order, copies of field office work plans, team assignments, and contact information for all officers.

Topic 4: Execution of the Operation

Update target lists as arrests are made or cases closed. Officer safety is paramount. Non-fugitive arrests may occur during the execution of the Operations plan.

Discuss the use of clerical staff at office to conduct record checks during operations

For small or daily operations the use of LESC or SECTOR is acceptable to run checks for non-fugitives. However, for larger or more complex operations the use of officers not assigned to arrest operations, officers on limited duty, or other specifically trained personnel should be used to run these checks.

Topic 5: Post Operation

After action briefings should take place at the conclusion of the operation. Focus on lessons learned to improve future operations. Aliens should be processed and criminal cases presented to AUSA. Custody recommendations may be required and juveniles should be a priority during alien processing. A final target list must be compiled and sent to Headquarters National Fugitive Operations Program. It should contain all subjects' arrested and cases closed. Arrests should specify whether the subjects arrested were specified targets or non-fugitive arrests. The report should also specify whether the subjects arrested are criminal fugitives, fugitives, criminal non-fugitives, or non criminal non-fugitives. Significant Event Notifications (SEN) should be completed and promptly forwarded to headquarters.

Summary

The primary mission of the National Fugitive Operations Program is to identify, locate, arrest, process and remove fugitive aliens from the United States, with the highest priority placed on those who have been convicted of crimes. In order to meet their established goals it is necessary to employ a variety of methods, techniques and strategies. One strategy requires each FOT to plan two multi-regional operations per year targeting a minimum of 250 ICE fugitives, 80% of those being criminals.

It is necessary to take a systematic approach to Operations planning. Police field operations are inherently dangerous. Officer safety is paramount, and with proper planning and coordination we can increase the chance of a safe and successful

operation.

Ensure that you do a thorough brief both before and after operations.

Enabling Performance Objectives

Now that you have completed this course you should be able to:

1. Identify the phases/steps in preparation and planning required to prepare for a fugitive operation.
2. Identify the necessary contacts and notifications that must be completed prior to conducting an operation.
3. Identify the components of an Operations order.

Assessment	
<u>None</u>	
Resources	
<u>Handouts</u>	
☐ Student Guide	

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Approval Page

Approved by:

Section Chief, Division	Date
Unit Chief	Date
Director, Office of Training and Development	Date
Division Representative (DRO, OI, OPR, INTEL, FPS)	Date

Tactical Communication

Enforcement and Removal Operations Training Division

ERO6350.01

June 2010



**U.S. Immigration
and Customs
Enforcement**

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Lesson Plan Overview

Course Title		Tactical Communication			
Course Number		ERO6350.01			
Course Duration		4 hours			
Lecture Time	Lab Time	PE/Exam Time	Total Time	Programs	Applicable Portions
4 hours			4 hours 2 Hours 4 Hours 2 Hours	Alert D DRATP Alert I FOTP	All EPOs 2, 3, 5, 6, 7 All EPOs 1, 4, 6, 7, 8
Course Description		This course provides the student with the skills to tactically communicate with people to accomplish their professional goals.			
Terminal Performance Objective (TPO)		Given an encounter with a difficult person, the student will use tactical verbal skills to elicit voluntary compliance in order to accomplish the ERO mission.			
Enabling Performance Objectives (EPO)		1. Identify aspects of officer safety; 2. Identify traits of enhanced professionalism; 3. Identify methods to decrease citizen complaints; 4. Identify methods to decrease vicarious liability; 5. Demonstrate methods to use Verbal Judo to decrease or eliminate personal stress on the job and at home; 6. Identify methods of redirecting focus; 7. Demonstrate methods to obtain voluntary compliance; 8. Identify the key points in an initial verbal encounter.			
Instructional Methods		• Lecture			
Method of Evaluation		• N/A			
Classroom Requirements		• Seating for 24 students, PC and projection equipment for instructor.			
Instructor Materials/ Resources		• Instructor Guide • Presentation Slides • Instructor station with presentation equipment and internet access.			

Lesson Plan Overview

Student Materials/ Resources	• Participant Workbook for each student
Instructor Special Requirements	• Must be certified through the Verbal Judo Institute to instruct this Verbal Judo course.
Student Special Requirements	• There are no special requirements
Role-Players	N/A

Curriculum Development and Review Team

Developed by:

(b)(7)(C),
(b)(6) Deportation Officer, ICE/ERO Academy
(b)(7)(C),(b)(6) Deportation Officer, ICE/ERO Academy

Date

04/2009

Revised by:

(b)(7)(C),(b)(6) Deportation Officer, ICE/ERO Academy

Date

06/2010

Summary of revisions:

Updated EPOs to correspond with appropriate course schedules

Reviewed by:

(b)(7)(C),(b)(6) Branch Chief, ICE Academy, Charleston
(b)(7)(C),(b)(6) Branch Chief, ICE Academy, Charleston

Date

April 2009

June 2010

Table of Contents

Curriculum Development and Review Team.....	iii
Table of Contents	iv
Introduction	1
Purpose of Course.....	1
Enabling Performance Objectives.....	1
What is Verbal Judo?	1
EPO 1	1
Topic 1: Introduction	1
Topic 2: Body Language.....	2
EPO 2.....	2
Topic 1: Professional face v. Personal face	2
Topic 2: Types of people	3
EPO 3.....	3
Topic 1: Tone	4
Topic 2: Professional Demeanor	4
EPO 4.....	4
Topic 1: Complaints	4
Topic 2: Lawsuits	4
EPO 5.....	5
Topic 1: Verbal Judo philosophy	5
Topic 2: Techniques	5
Redirecting focus	6
EPO 6.....	6
Identify methods of redirecting focus.....	6
Topic 1: Dealing with difficult people.	6
Topic 2: Threat traps	6
Topic 3: The “CALM DOWN” effect.....	7
EPO 7.....	8
Topic 1: The tactical 8 step pattern	8
Topic 2: The Tactical 5-step pattern.....	8
EPO 8.....	8
Topic 1: Identify Yourself	8
Topic 2: Obtaining Voluntary Consent	8
Summary	9
Enabling Performance Objectives.....	9
Take Aways	9
Laboratory	9
Assessment.....	9
References:	9

Introduction

PURPOSE OF COURSE

This course provides the student with the skills to tactically communicate with people to accomplish their professional goals.

Motivation: A LEO's ability to succeed in their mission and avoid legal issues is highly dependent upon their ability to communicate effectively.

ENABLING PERFORMANCE OBJECTIVES

1. Identify aspects of officer safety;
2. Identify traits of enhanced professionalism;
3. Identify methods to decrease citizen complaints;
4. Identify methods to decrease vicarious liability;
5. Demonstrate methods to use Verbal Judo to decrease or eliminate personal stress on the job and at home;
6. Identify methods of redirecting focus;
7. Demonstrate methods to obtain voluntary compliance;
8. Identify the key points in an initial verbal encounter.

What is Verbal Judo?

Simply stated, Verbal Judo is the gentle art of persuasion. Through the use of Verbal Judo we may, in many instances, be able to redirect difficult people toward voluntary compliance. Verbal Judo uses tactical verbal skills to defuse confrontations with difficult people.

Introduce and explain the Verbal Judo Institute and Dr. Thompson.

EPO 1

Officer Safety

Topic 1: Introduction

The majority of our contacts with other people are verbal. As law enforcement officers or members of a law enforcement organization our initial encounter with a person may reveal what the outcome of the encounter will be. As we approach the individual(s) we should immediately take note of our surroundings and any obvious dangers. We should then analyze the person's demeanor, attitude and physical appearance. Is he irate, intoxicated, friendly, injured, etc.? Before discussing the application of verbal techniques let's discuss the SAFER principle.

Stress to the students that the goal of VJ is to lessen the need for physical force, to generate voluntary compliance, and to obtain a tactical advantage.

When words fail or our initial indication is that verbal techniques may not be appropriate, the SAFER principle should be applied:

Security-

Whenever others are in imminent jeopardy-ACT!

Whenever property under your control is threatened-ACT!

Attack-

Whenever your personal danger zone is violated-ACT!

Based upon your training and the situation.

Flight-

Whenever a subject unlawfully flees your presence-ACT!

Excessive Repetition-

When you have exhausted all verbal options-ACT!

Revised Priorities-

Whenever a matter of a higher priority requires your immediate attention or presence-ACT!

We must act when one or more of these conditions are present!

We also must be prepared to justify selection of force options per the Use of Force policy.

Topic 2: Body Language

Another aspect of safety includes the analysis of body language. The person's appearance, body language, tone of voice, presence of weapons etc, may indicate that an assault or flight is imminent. Those of us who are law enforcement officers must rely on our training and personal skill to handle the situation as outlined in the Use of Force policy.

Civilians should immediately request assistance from an officer/supervisor in such cases and make every effort to remove themselves from potentially dangerous situations.

EPO 2

Identify traits of enhanced professionalism.

Topic 1: Professional face v. Personal face

We all have personal issues that affect our daily lives and thusly our demeanor. Numerous things occur that may affect our attitudes toward others including our co-workers. As ERO employees we must remember that we represent the Federal Government and to that end we must lay our personal problems and prejudices aside in order to accomplish the mission. When on duty we must continuously wear our "professional face". Law enforcement personnel are often subjected to verbal abuse.

Stress to the students that an officer/employee should not be talking when they should be acting. Personal safety is paramount!

Discuss offensive signs like facial expressions, blading the body, clenched fists, etc.

Explain that the subject may display the personal face... We always display the professional face.

Show Kata #5...The Art of Representation

As such, we must show disinterest in verbally abusive situations. It is clear that there are many different cultures that we have to deal with but there are only 3 kinds of people. Nice, difficult and sneaky. In order for Verbal Judo techniques to be successful we first must recognize the personality of the person we are dealing with. Professional traits include listening rather than speaking, being open and unbiased, interpreting tone and demeanor accurately and responding to people appropriately.

Discuss respect and re-spect

Topic 2: Types of people

Nice- The nice person is “single keyed” whose goal and demeanor is to be nice, helpful and thoughtful toward others. Encounters with nice people can be beneficial and rewarding. The nice person typically greets the law enforcement professional with respect and has a desire to be of assistance. Nice people are typically law abiding and accept correction/direction from law enforcement personnel graciously.

Give the students examples of the three types of people and relate personal experiences you have had when dealing with these people.

Explain how nice people may become difficult due to OUR actions.

Be wary though that the nice person may be transformed by our attitudes into a difficult or sneaky person. If our personal face comes through and we verbally abuse or belittle a nice person you may quickly convert them to becoming difficult. Any assistance that we may have received from them may now be out of reach. It is very difficult to sway a jaded nice person back to our side.

Difficult- Difficult people are “multi-keyed”. Typically they may be anti law enforcement and disrespectful. A difficult person may have at one time been “nice” but due to negative past contact or being thrust into a negative situation are now difficult. Easily recognized by body language and tone, difficult people may be swayed. They are often compliant but argumentative.

Sneaky- Sneaky people are “single keyed” with their goal often being to deceive us into believing they are nice. The sneaky person may have ulterior motives and may give the initial impression of being willing to help. Many career or habitual criminals are sneaky. The sneaky person, unlike the difficult person, may be hard to recognize. They may attempt to con us into obtaining a benefit or to give themselves an opportunity to act against us or undermine our mission.

EPO 3

Identify methods to decrease citizen complaints.

Topic 1: Tone

Attitude and tone are the most dangerous weapons we carry. If we use what would normally be considered “caring” words toward someone but in a sarcastic, demeaning or insolent tone, are people going to believe the words or the tone? The tone of course. Always maintain a courteous, professional tone when addressing people. Remember that being casual is not the same as being unprofessional. Often times a softer, more casual tone takes difficult people by surprise and deflects their anger.

Give tone of voice examples.

“I never told you he stole the money”

Topic 2: Professional Demeanor

Our mere presence at times can serve to either calm a situation or escalate it. If your demeanor toward a person represents anger, fear or prejudice, what type of response might you expect to receive? If we appear to the receiver as being disinterested, what type of compliance should we expect? Remember, we are trying to obtain voluntary compliance. Also remember that as law enforcement professionals we are expected to exercise greater restraint than that of the general public.

Explain giving them the last word but we get the last act!

Show the anatomy of a verbal assault

EPO 4

Identify methods to decrease vicarious liability.

Topic 1: Complaints

By far, the majority of complaints against law enforcement personnel that are received by supervisors, concern perceived rudeness, prejudice or biasness. It would be especially difficult to justify to your supervisor if witnesses or worse, the media, had evidence showing that you behaved unprofessionally. Once again, as law enforcement personnel and Federal employees, we are held to a higher standard. Wearing our professional face at all times, even during casual contact, will ensure that we will be able to describe our reasoning and justify our conduct.

Cite personal experience or known complaints if possible.

Topic 2: Lawsuits

Officers and other law enforcement personnel who handle citizen encounters skillfully and professionally are less likely to generate complaints and lawsuits. Using Verbal Judo techniques, personnel will be able to explain their behavior based on recognized, professional principles. Using sound verbal tactics in conjunction with staying within agency policy guidelines dramatically decrease personal and professional liability.

Cite actual cases if possible.

EPO 5

Demonstrate methods to use Verbal Judo to decrease or eliminate personal stress on the job and at home.

Topic 1: Verbal Judo philosophy

Verbal judo teaches a philosophy of how to look creatively at conflict and use specific strategies and tactics to find peaceful resolutions. Once mastered, these tactics can benefit us in our personal lives as well as our professional lives. Dealing with the public, especially during difficult law enforcement type encounters can prove to be emotionally trying. Maintaining a professional face is crucial if we are to remain under emotional control. If we are able to remain under control at work then it stands to reason that applying the same techniques should allow us to be in emotional control during personal events as well.

Topic 2: Techniques

So what are the techniques we can use to stay in control?

Body language/demeanor- Know that we take on different roles in our daily lives. Our self perception may completely differ from how others may perceive us. Our outward appearances, how we carry ourselves, essentially set the stage for our contact with others.

Voice and tone- Imagine being upset because you are involved in a personally traumatic event or situation. Then imagine a complete stranger yelling at you to “calm down!”. The “calm down” effect rarely achieves what we would hope for it to achieve. Generally ordering someone to calm down has an opposite effect, indicating to the person that they are not allowed to be upset or to experience the feelings they are feeling. Using deflectors that show we can empathize, or see through someone else’s eyes may calm an otherwise chaotic situation. Deflectors may include statements such as:

Explain that the techniques will be explained in depth during the 8 step and 5 step phases.

Demonstrate the watch conversation (active listening).

Redirecting focus

EPO 6

Identify methods of redirecting focus

Topic1: Dealing with difficult people.

When seeking voluntary compliance from a difficult person, explain early on what is in it for them. Show them, as clearly and specifically as possible, what they have to gain by cooperating. Tell them exactly what they stand to lose, only when they fail to cooperate.

When difficult people challenge your authority it is usually pointless to explain why you have asked or told them to do something. Why?

1. They don't care about your authority.
2. May not care of consequences of failing to obey.

But they are always interested in how the deal might benefit them. The "deal" itself does not have to be anything.

Topic 2: Threat traps

Avoid verbal threats, for instance, "I'm not going to say this again".

This threat traps you because if you're really not going to repeat yourself you are left with only one option---ACTION. If you are not prepared for action or don't have the authority to take the action you stated, you will lose credibility.

When dealing with uncooperative or difficult people:

Your mind set/attitude should be "say what you want but do as I say".

An exception would be a person whose words serve only to inflate him with adrenaline making him or his companions agitated. This serves to create an officer safety issue.

Know the law and your authority. Then you can explain what benefits you can provide for people who assist our efforts and you can also explain the consequences of failing to obey. Consequences such as being served with a search warrant or perhaps being prosecuted for a violation of 8 USC 1253 or 8 USC 1324.

Benefits might include some form of limited prosecutorial discretion or just not having us camp in front of the residence drawing neighborhood attention or bothering people at their place of employment.

Avoid excessive repetition. Another advantage in knowing your authority is knowing how many opportunities you have to give someone to comply.

Also do not argue with people who are intoxicated or who are unable to understand you do to mental defect or language barrier.

Topic 3: The “CALM DOWN” effect.

There are times when you will encounter individuals who become excited or upset. Watch yourself in the mirror and try scrunching your face and shout “CALM DOWN!” Think about the responses you have gotten or you have given when someone has told you to “CALM DOWN!”

Instead try to validate the person’s feelings by using one of the deflectors in the next section.

Most often this exclamation is inferred as criticism of people’s behavior. This command usually makes people more angry or upset. Now you’ve more than likely created a new problem. Not only is there the matter they were upset about to begin with, now they feel the need to defend their reaction to you.

One way to avoid this type of situation is the use of verbal deflectors. Some common useful verbal deflectors are:

Instruct the student that combining deflectors is especially beneficial.

“I understand what you’re saying, but.”

In the case of using two deflectors replace the “but” with “and” and try to speak with a helpful but firm tone.

“I hear that, but...”

“I hadn’t thought of that, but...”

“I can appreciate that, but...”

You show the individual that you empathize with them and their position but you stay focused on the mission as evidenced by ending the verbal deflector with “but” and you steer back to the mission at hand.

Discuss paraphrasing

Keep in mind you can give the individual the last word because you have the last action. If you take away a person’s last word and have the last act, you may create an uncooperative or violent scenario.

EPO 7

Demonstrate methods to obtain voluntary compliance.

Topic 1: The tactical 8 step pattern

The tactical 8 step pattern is a generic plan of action for making “official” contact with any subject. Although this plan is generally geared toward law enforcement contacts it is easily adaptable to other types of encounters:

After lecture portion, instructor will demonstrate these steps with role player (See lab). Instructor will then break the students into groups of two and practice these two methods. When complete, go to student lab.

Appropriate greeting- “Yo hey there slim shady” might be appropriate in some situations but certainly not during a professional contact. During initial contact, you should refer to the individual as “sir” or “ma’m” as a sign of respect. First impressions mean a lot!

Explain the difference in using these steps during enforcement activities versus office encounters, such as bond posting, OSUP reporting, etc.

Identify self/agency- give your name, official title, and agency.

FOTP: Identification may simply be “Police”.

Explain the reason for the contact- people are more willing to cooperate with you if they understand the circumstance of the encounter. Although it may be acceptable to use a minor ruse to initiate some contacts, generally if any enforcement action is to be taken we must explain exactly who we are and the reason for the action.

Remember, most of our contacts are based upon consensual encounters. Find an angle. “Why should this person help us or how would it benefit them or the community in our operation?”

Any justifiable reason for...- this step is generally reserved for situations that were precipitated by some sort of enforcement activity but may apply during OSUP reporting and things of that nature.

Ask for identification- during professional law enforcement related contacts it is perfectly acceptable to request identification from your contact. If the person is a consent giver or a witness, positive identification can decrease liability and false claims of misconduct. If the person is the subject of an investigation, then positive identification is necessary for obvious reasons.

What is your last name sir/ms.?

Are you the homeowner?

Request additional information- this step may actually happen sooner than later. For example, if consent to enter a dwelling is granted we probably would like to know about the existence and availability of weapons in the home as well as the presence of other people or animals in the home. People may also be able to give information on other persons of interest or possible

Generally, a request for consent to enter and consent to search will be done before this step. Remember to 157604117 consent giver’s information and additional information on the FOWI, which is 157604117

Summary

Verbal Judo has offered us tactics that have predictable results, tactics that enable us to relate to others under the most sudden and trying circumstances. Remember that these tactics benefit us in our professional and personal lives.

ENABLING PERFORMANCE OBJECTIVES

1. Identify aspects of officer safety;
2. Identify traits of enhanced professionalism;
3. Identify methods to decrease citizen complaints;
4. Identify methods to decrease vicarious liability;
5. Demonstrate methods to use Verbal Judo to decrease or eliminate personal stress on the job and at home;
6. Identify methods of redirecting focus;
7. Demonstrate methods to obtain voluntary compliance;
8. Identify the key points in an initial verbal encounter.

TAKE AWAYS

Do not talk when “SAFER” becomes an issue, Act.

Reiterate that personal and public safety is paramount.

LABORATORY

None

Assessment

None

References:

Verbal Judo-Redirecting Behavior with Words; (b)(7)(C), (b)(7)(C),(b)(6) Verbal Judo Institute

Verbal Judo-The Gentle Art of Persuasion; (b)(7)(C),(b)(6) Verbal Judo Institute

Verbal Judo Instructors Guide; with permission of (b)(7)(C),(b)(7)(C),(b)(6) Verbal Judo Institute



Homeland
Security

June 15, 2012

MEMORANDUM FOR: David V. Aguilar
Acting Commissioner, U.S. Customs and Border Protection

Alejandro Mayorkas
Director, U.S. Citizenship and Immigration Services

John Morton
Director, U.S. Immigration and Customs Enforcement

FROM: Janet Napolitano
Secretary of Homeland Security

SUBJECT: Exercising Prosecutorial Discretion with Respect to Individuals
Who Came to the United States as Children

By this memorandum, I am setting forth how, in the exercise of our prosecutorial discretion, the Department of Homeland Security (DHS) should enforce the Nation's immigration laws against certain young people who were brought to this country as children and know only this country as home. As a general matter, these individuals lacked the intent to violate the law and our ongoing review of pending removal cases is already offering administrative closure to many of them. However, additional measures are necessary to ensure that our enforcement resources are not expended on these low priority cases but are instead appropriately focused on people who meet our enforcement priorities.

The following criteria should be satisfied before an individual is considered for an exercise of prosecutorial discretion pursuant to this memorandum:

- came to the United States under the age of sixteen;
- has continuously resided in the United States for a least five years preceding the date of this memorandum and is present in the United States on the date of this memorandum;
- is currently in school, has graduated from high school, has obtained a general education development certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
- has not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety; and
- is not above the age of thirty.

Our Nation's immigration laws must be enforced in a strong and sensible manner. They are not designed to be blindly enforced without consideration given to the individual circumstances of each case. Nor are they designed to remove productive young people to countries where they may not have lived or even speak the language. Indeed, many of these young people have already contributed to our country in significant ways. Prosecutorial discretion, which is used in so many other areas, is especially justified here.

As part of this exercise of prosecutorial discretion, the above criteria are to be considered whether or not an individual is already in removal proceedings or subject to a final order of removal. No individual should receive deferred action under this memorandum unless they first pass a background check and requests for relief pursuant to this memorandum are to be decided on a case by case basis. DHS cannot provide any assurance that relief will be granted in all cases.

1. With respect to individuals who are encountered by U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), or U.S. Citizenship and Immigration Services (USCIS):

- With respect to individuals who meet the above criteria, ICE and CBP should immediately exercise their discretion, on an individual basis, in order to prevent low priority individuals from being placed into removal proceedings or removed from the United States.
- USCIS is instructed to implement this memorandum consistent with its existing guidance regarding the issuance of notices to appear.

2. With respect to individuals who are in removal proceedings but not yet subject to a final order of removal, and who meet the above criteria:

- ICE should exercise prosecutorial discretion, on an individual basis, for individuals who meet the above criteria by deferring action for a period of two years, subject to renewal, in order to prevent low priority individuals from being removed from the United States.
- ICE is instructed to use its Office of the Public Advocate to permit individuals who believe they meet the above criteria to identify themselves through a clear and efficient process.
- ICE is directed to begin implementing this process within 60 days of the date of this memorandum.
- ICE is also instructed to immediately begin the process of deferring action against individuals who meet the above criteria whose cases have already been identified through the ongoing review of pending cases before the Executive Office for Immigration Review.

3. With respect to the individuals who are not currently in removal proceedings and meet the above criteria, and pass a background check:

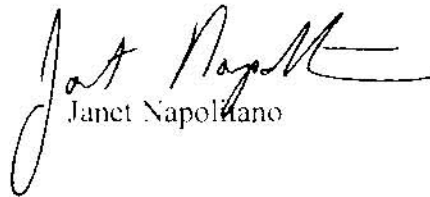
- USCIS should establish a clear and efficient process for exercising prosecutorial discretion, on an individual basis, by deferring action against individuals who meet the

above criteria and are at least 15 years old, for a period of two years, subject to renewal, in order to prevent low priority individuals from being placed into removal proceedings or removed from the United States.

- The USCIS process shall also be available to individuals subject to a final order of removal regardless of their age.
- USCIS is directed to begin implementing this process within 60 days of the date of this memorandum.

For individuals who are granted deferred action by either ICE or USCIS, USCIS shall accept applications to determine whether these individuals qualify for work authorization during this period of deferred action.

This memorandum confers no substantive right, immigration status or pathway to citizenship. Only the Congress, acting through its legislative authority, can confer these rights. It remains for the executive branch, however, to set forth policy for the exercise of discretion within the framework of the existing law. I have done so here.



Janet Napolitano

BASIC TEAM TACTICS

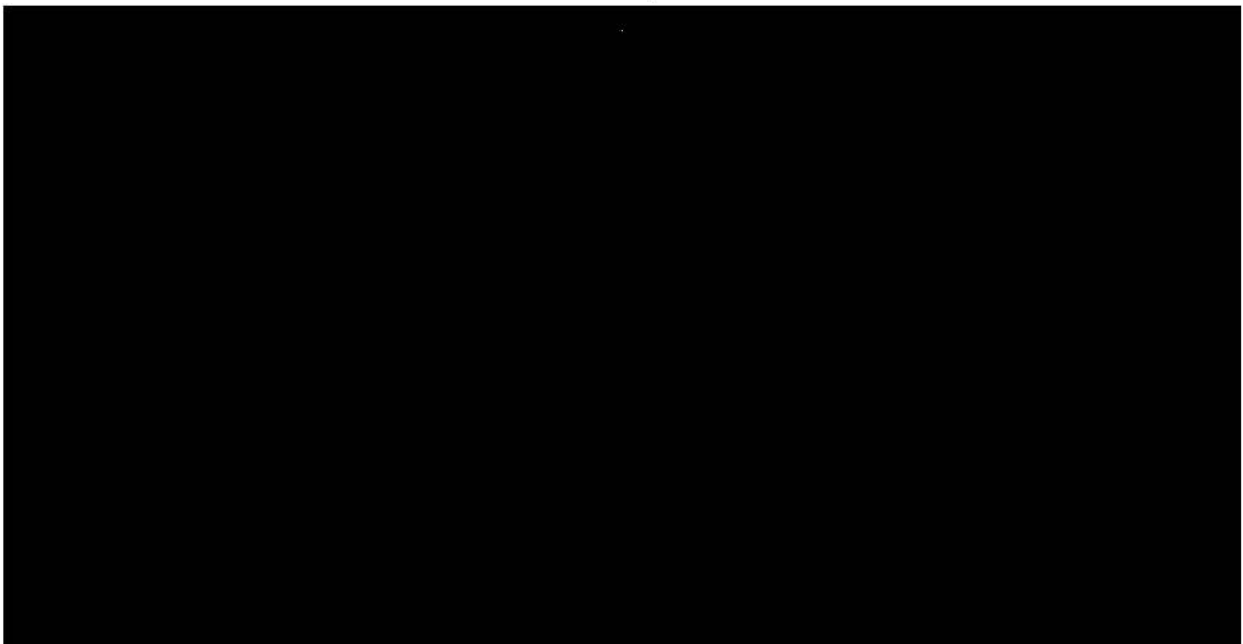
Detention and Removal Operations Training
Division

DRO7060.01

March 2009



**U.S. Immigration
and Customs
Enforcement**



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Lesson Plan Overview

Course Title		Basic Team Tactics			
Course Number		DRO7060.01			
Course Duration		4 hours			
Lecture Time	Lab Time	PE/Exam Time	Total Time	Programs	Applicable Portions
0	4:00			FOTP	All EPO's
Course Description		This course presents various principals and techniques of basic team tactics used when conducting DRO Field Operations.			
Terminal Performance Objective (TPO)		Given field situations, the ICE officer will identify and demonstrate skills to safely and effectively utilize basic team tactics in support of enforcement activities.			
Enabling Performance Objectives (EPO)		1. Demonstrate tactical techniques used in an officer down situation. 2. Demonstrate tactical techniques used in an emergency egress. 3. Demonstrate team response to withdrawal of consent with an administrative warrant. 4. Demonstrate team response to serving an administrative warrant in a business or commercial setting. 5. Demonstrate team response to making an arrest in an open area, accounting for exigent circumstances, during field operations. 6. Demonstrate team response to discovering evidence (drugs and weapons) in plain view during the execution of an administrative warrant. 7. Demonstrate tactical techniques for a two-man knock and talk.			

Lesson Plan Overview

Instructional Methods	• Discussion • Role-play
Method of Evaluation	Scenario-Based Lab
Classroom Requirements	Mock housing area (urban, multi-level housing, and vehicles)
Instructor Materials/ Resources	• Instructor Guide • Red guns • Red knives
Student Materials/ Resources	• Participant Workbook for each student • Red Gun Training Weapon • Tactical Ballistic Shield • Duty belt equipment
Instructor Special Requirements	Basic Tactics Instructor Training Program
Student Special Requirements	None
Role-Players	Instructors will act as role players

Curriculum Development and Review Team

Developed by:

(b)(6),(b)(7)(C) CDI, DRO, Advanced Training Section

Date

June 2008

Revised by:

(b)(6),(b)(7)(C) CDI, DRO, Advanced Training Section

Date

November 2008

(b)(6),(b)(7)(C) DDO HQFOU, DRO

March 2009

(b)(6),(b)(7)(C) CDI, DRO, Advanced Training Section

March 2009

Summary of revisions:

Lesson plan converted to OTD template. Added 2 EPO's – Knock and Talk and Exigent Circumstances. Changed wording and syntax on Body of Lesson Plan no major changes.

Reviewed by:

(b)(6),(b)(7)(C) Branch Chief Specialties, ICE Academy

Date

March 2009

(b)(6),(b)(7)(C) Section Chief, ICE Academy

March 2009

Table of Contents

Introduction	1
Purpose of Course	1
Enabling Performance Objectives	1
Introduction, Motivation, and Rapport	1
Officer Down Situation	2
EPO 1	2
Emergency Egress	3
EPO 2	3
Withdrawal of Consent	3
EPO 3	3
Business or Commercial Setting	4
EPO 4	4
Exigent Circumstances	4
EPO 5	4
Discovering Evidence	5
EPO 6	5
Two-Person Knock and Talk	6
EPO 7	6
Summary	7
Enabling Performance Objectives	7
Take Aways	7
Laboratory	8
Resources	8
Handouts	8
Approval Page	9

Introduction

PURPOSE OF COURSE

To provide officers with a basic understanding of team tactics that is safe and consistent with other with DRO operatives. Given field situations, the ICE officer will identify and demonstrate skills to safely and effectively utilize basic team tactics in support of enforcement activities.

ENABLING PERFORMANCE OBJECTIVES

1. Demonstrate tactical techniques used in an officer down situation.
2. Demonstrate tactical techniques used in an emergency egress.
3. Demonstrate team response to withdrawal of consent with an administrative warrant.
4. Demonstrate team response to serving an administrative warrant in a business or commercial setting.
5. Demonstrate team response to making an arrest in an open area, accounting for exigent circumstances, during field operations.
6. Demonstrate team response to discovering evidence (drugs and weapons) in plain view during the execution of an administrative warrant.
7. Demonstrate tactical techniques for a two-man knock and talk.

INTRODUCTION, MOTIVATION, AND RAPPORT

Instructor will introduce him/herself and point out relevant tactical experience they have. Officers need to employ good tactical principals and techniques during all enforcement operations. DRO personnel will receive additional instruction on how to maintain a winning mindset, proper use of equipment, conducting tactical or emergency egress, use of the ballistic shield and long arms, conducting visual surveys and evidence identification, performing the roles of contact and cover officer, as well knowledge of the 4th amendment as it pertains to coercive factors, withdrawal of consent and arrests in open or consensual areas of contact.

Officer Down Situation

EPO 1

Demonstrate tactical techniques used in an officer down situation.

In the event an officer is shot or otherwise seriously injured during an operation, the immediate threat must be neutralized to avoid serious injury or loss of life to others. (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

Rescue officer hooks arms under downed officer's armpits; attempt to wrap rescue officer's arms around downed officer's chest. Place downed officer in sitting position. Rescue officer squats directly behind the officer down. Rescue officer uses his legs to lift downed officer and drag him to safety.

Both rescue officers take an arm or leg and either lift or drag the officer down to a safe location. Instructors demonstrate the above officer down drills.

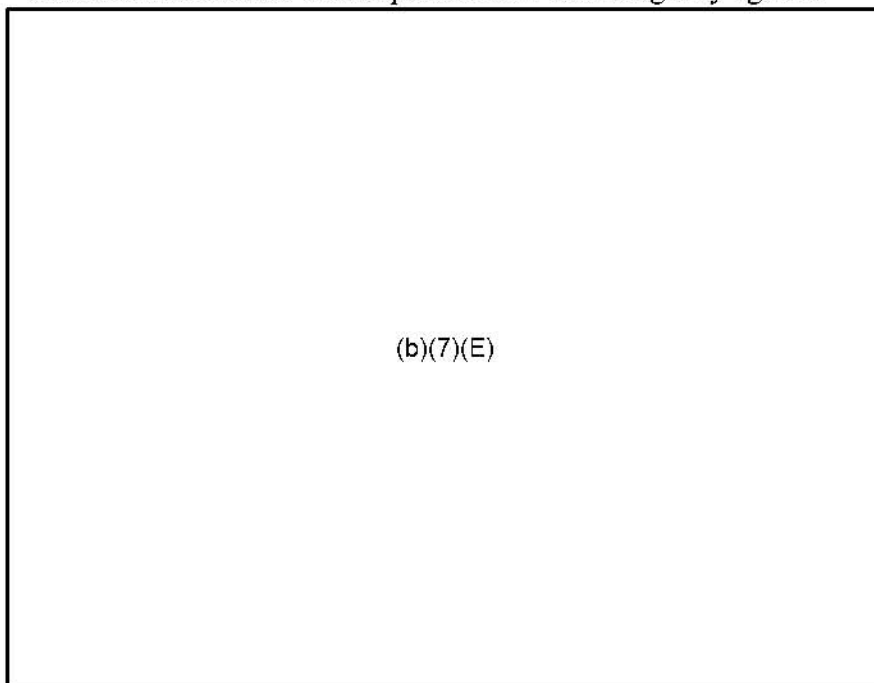
(b)(7)(E)

Practice this drill in team size elements. Regroup as a class.

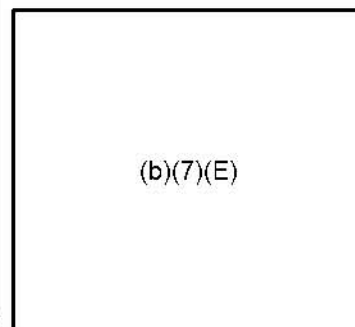
Emergency Egress

EPO 2

Demonstrate tactical techniques used in an emergency egress.



Discuss situations wherein an emergency egress may be necessary. For example, discovery of a drug lab or presence of charging dogs. Demonstrate both the simultaneous egress as well as the peel back egress with instructors as demonstrators.



Teams practice these techniques so they can be incorporated into scenario-based training.

Withdrawal of Consent

EPO 3

Demonstrate team response to withdrawal of consent with an administrative warrant.

Team gains consent to enter and once inside, consent is withdrawn. After consent is given and once clearing begins, have homeowner withdraw consent before a target is identified...

Allow contact officer to try to talk to the homeowner for continued consent. If consent is not regained team must depart.

Observe what verbal strategies are applied. If consent is not reinstated, the students should leave the premises.

If target is identified students should initiate arrest.

Debrief students on their performance, if applicable, run scenario again.

Students on the search team should immediately stop searching and return to the control point.

Business or Commercial Setting

EPO 4

Demonstrate team response to serving an administrative warrant in a business or commercial setting..

Businesses are a unique area for consideration in arrest operations. They are open to the public or have a general public waiting or processing area. They tend to have a greater number of exits and are sometimes larger or more defined than homes and or residential buildings.

Most people believe they are more secure at home and the courts back this up. But people do not generally have the same rights at their place of employment or out in public. People generally do not have access to a “gun safe” at work even though they may have access to improvised weapons in the workplace or in public.

Teams enter and make contact with the receptionist and or manager and request to speak with the target.

Discuss 4th Amendment and reasonable expectation of privacy.

Observe the team’s reactions to having additional activity in the immediate area while attempting to obtain consent. Normal business practices should not be disturbed unless consent is granted. If students use good verbal skills, have the manager grant consent, and allow the team to search the location.

The manager is reluctant to grant consent. Students should apply verbal techniques, with the intent of having the manager grant consent. Have the target make a delivery. Target should be identified and arrested without incident.

Family based business—target is a member of that family. Allow students to make an entry and make contact with the receptionist. Ideally the team will ask to speak with the business owner or manager discreetly, without causing any alarm. In this scenario the manager is out of the office. Receptionist will call the target and allow the team to go back into the nonpublic area of the business to speak with the target. Target should be arrested without incident.

Exigent Circumstances

EPO 5

Demonstrate team response to making an arrest in an open area, accounting for exigent circumstances, during field operations.

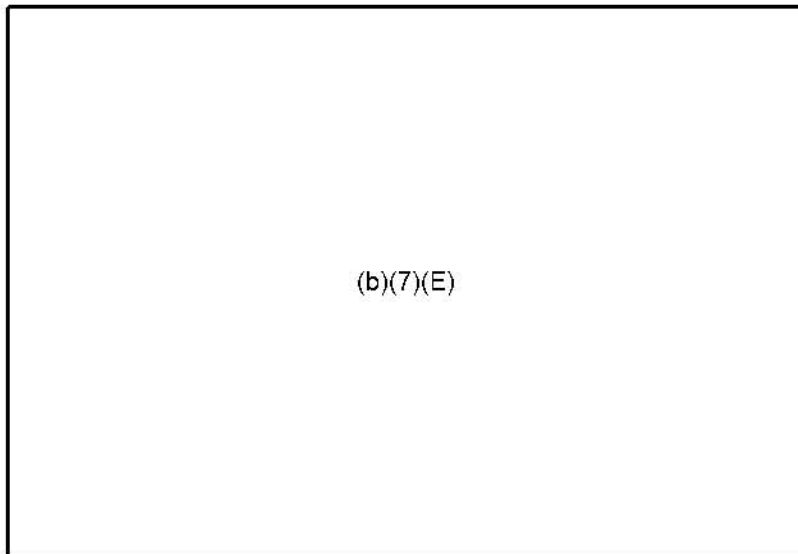
Have team approach and knock at door of residence. Target answers the door but

Arrest at threshold.

Arrest outside residence.

Hot pursuit scenario.

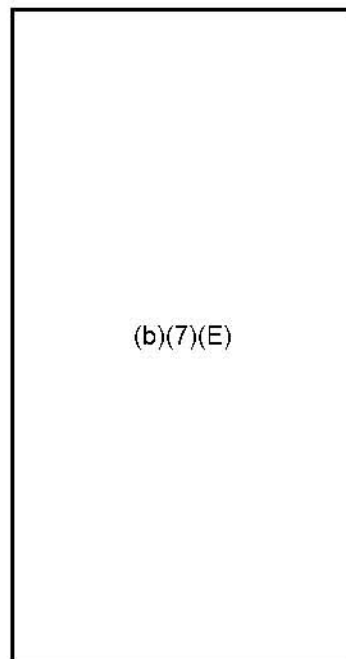
Factors the court will consider in determining exigency to justify a warrant less search include the following:



Hot pursuit requires the commission of a serious crime—administrative warrants are generally not considered serious crimes. Also discuss how exigent circumstances and factors that define a warrant less entry based on exigent circumstances

remains well inside the threshold.

Have students apply verbal techniques to talk the target out of the residence, if possible.



Discuss with students other avenues, such as obtaining a criminal search warrant under 8 USC 1253 (a) (1) (A) Failure to Depart, and the use of verbal techniques to obtain legal consent or cooperation.

Discovering Evidence

EPO 6

Demonstrate team response to discovering evidence (drugs and/or weapons) in plain view during the execution of an administrative warrant.

Place simulated cocaine or crack cocaine in plain view in one of the bedrooms. Allow students to gain consent,

Drugs in plain view. What is the response from the Officers?
What are some relevant issues involving collection of evidence
and who has jurisdiction. .

Stress issues of a search incident to arrest, conducting a protective
sweep and follow up actions, including contacting the Office of
Investigations and local policy for custody/charging issues.

centralize and begin searching
the residence. Once drugs are
discovered, evaluate the
student's response. Consent is
no longer an issue, as a felony
was discovered. Suspects may
be handcuffed.

Two-Person Knock and Talk

EPO 7

(b)(7)(E)

(b)(7)(E)

Summary

Law Enforcement operations are inherently dangerous. Officer safety is paramount, and if the odds are not in the officer's favor, there is no shame in coming back another day.

ENABLING PERFORMANCE OBJECTIVES

- 1.
- 2.
- 3.
- 4.
5. (b)(7)(E)
- 6.
- 7.

TAKE AWAYS

Students should never compromise safety.

LABORATORY

Lecture will be conducted in conjunction with the laboratory

The instructor will use the assigned buildings and outdoor area to conduct class. All other procedures for that specific program and/or class should be followed (i.e. attendance rosters, medical restrictions, etc).

The instructor will demonstrate the basic application of the various phases of team deployment. Instructors will act as role-players; some will act as officers while the others will act as subjects.

The phases of team deployment should initially be taught in a step-by-step or static mode. This will allow simplicity in effecting the concepts and movements, as well as give the instructor more time for correction and control.

(b)(7)(E)

(b)(7)(E)

The instructor should make any corrections immediately for safety and time. Officers will also be informed that they will be critiqued during the period of instruction.

(b)(7)(E)

Resources

Basic tactics drill card

HANDOUTS

None

Approval Page

Approved by:

Section Chief, Division	Date
-------------------------	------

Unit Chief	Date
------------	------

Director, Office of Training and Development	Date
--	------

Division Representative (DRO, OI, OPR, INTEL, FPS)	Date
--	------

The signature of the Division Representative, but if present indicates that the content presented in this lesson plan is accurate.

Verbal Techniques

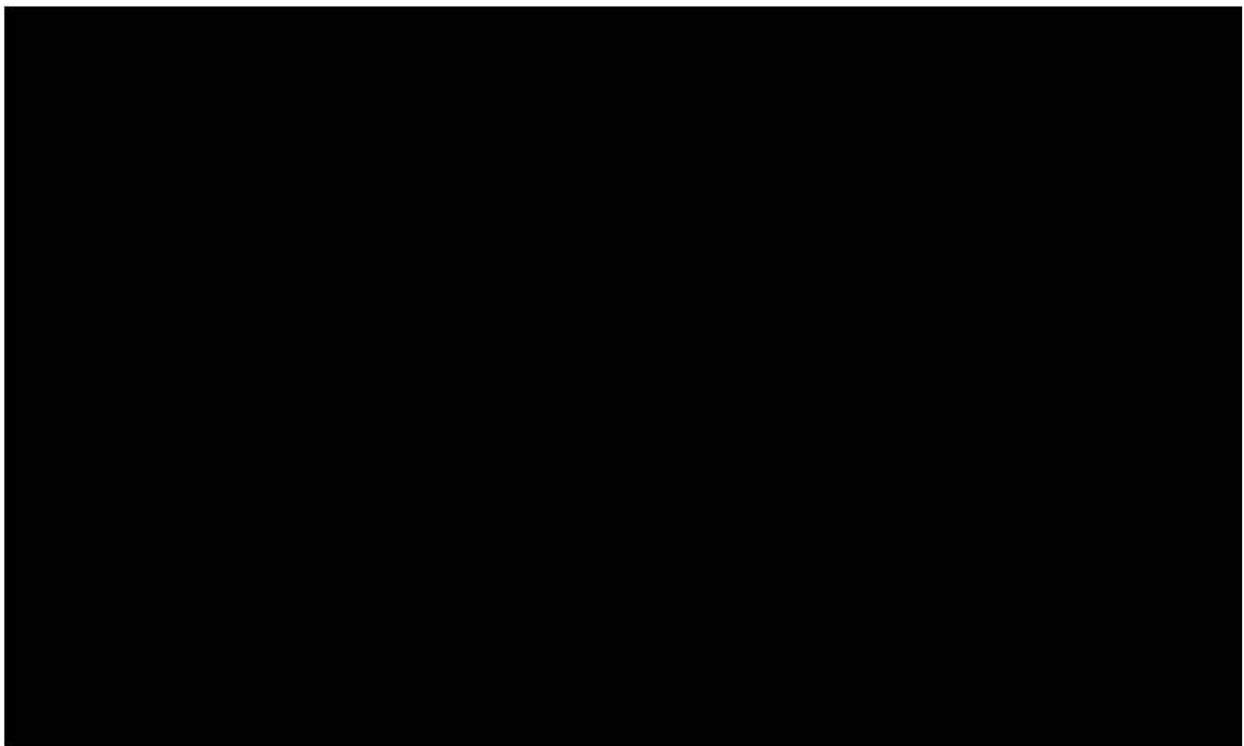
Detention and Removal Operations Training
Division

DRO7050.01

March 2009



U.S. Immigration
and Customs
Enforcement



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Lesson Plan Overview

Course Title		Verbal Techniques			
Course Number		DRO7050.01			
Course Duration		2 hours			
Lecture Time	Lab Time	PE/Exam Time	Total Time	Programs	Applicable Portions
2 Hours			2 hours	FOTP ALERT D	All EPOs
Course Description		In this course officers will be introduced to verbal techniques useful in obtaining voluntary compliance with the ICE Mission.			
Terminal Performance Objective (TPO)		Given field situations whereby officers make contact at a residence or a business, officers will be introduced to verbal techniques useful in obtaining consent for voluntary compliance. The successful completion of the ICE mission in locating and removing all deportable aliens is dependent upon officer's ability to communicate in a manner that seeks voluntary compliance.			
Enabling Performance Objectives (EPO)		1. Identify the key points in an initial verbal encounter. 2. Identify verbal strategies. 3. Identify methods of redirecting focus.			
Instructional Methods		• Lecture • Discussion • Demonstration			
Method of Evaluation		Instructor will critique officer's performance during the FOTP course's practical exercise.			
Instructor Materials/ Resources		• Instructor guide • Presentation slides			
Classroom Requirements		Group classroom (6 table groups with instructor station including computer, projector, and screen			

Lesson Plan Overview

Student Materials/ Resources	Participant workbook for each student
Instructor Special Requirements	None
Student Special Requirements	None
Role-Players	None

Curriculum Development and Review Team

Developed by:

(b)(7)(C),(b)(6) CDI, DRO Advanced

Date

September 2008

Revised by:

(b)(7)(C),(b)(6) CDI, DRO Advanced

Date

December 2008

(b)(7)(C),(b)(6) HQDRO, NFOP

March 2009

Summary of revisions: Revised by HQFOU with help of DRO Advanced within the context of new policy memos and practices.

Reviewed by:

(b)(7)(C),(b)(6) Branch Chief Specialties, ICE Academy (Advanced)

Date

March 2009

(b)(7)(C),(b)(6) Section Chief, ICE Academy (Advanced)

March 2009

Table of Contents

Introduction	1
Purpose of Course.....	1
Enabling Performance Objectives.....	1
Key points in an initial encounter	1
EPO 1	1
Identify the key points in an initial verbal encounter.	1
Introduction, Motivation, and Rapport.....	1
Topic 1: Identify Yourself.....	1
Topic 2: Obtaining Voluntary Consent	2
Identify Verbal Strategies.....	2
EPO 2.....	2
Identify verbal strategies for seeking voluntary compliance.	2
Topic 1: Important factors in identifying verbal avenues of approach.....	2
Topic 2: How can we make voluntary compliance happen?	2
Topic 3: The use of empathy in a verbal encounter.....	3
Redirecting focus	4
EPO 3.....	4
Identify methods of redirecting focus.....	4
Topic1: Dealing with difficult people.	4
Topic 2: Threat traps	4
Topic 3: The “CALM DOWN!” effect.....	5
Summary	6
Enabling Performance Objectives.....	6
Take Aways	6
Laboratory.....	6
Assessment.....	7
Resources	8
Handouts	8
Application Materials	8
Approval Page.....	9

Introduction

PURPOSE OF COURSE

In this course officers will be introduced to verbal techniques useful in obtaining voluntary compliance with the ICE Mission. In simulated deportation activities, the ICE officer will utilize verbal techniques to seek voluntary compliance.

ENABLING PERFORMANCE OBJECTIVES

1. Identify the key points in an initial verbal encounter.
2. Identify verbal strategies.
3. Identify methods of redirecting focus.

Key points in an initial encounter

EPO 1

Identify the key points in an initial verbal encounter.

Introduction, Motivation, and Rapport

It is clear that the vast majority of police work is verbal not physical. In the scope of ICE operations a great majority of work is also verbal —communication.

A contact officer's verbal skills are critical in assessing an initial encounter, obtaining consent to enter a residence and deflecting verbal antagonism.

Topic 1: Identify Yourself

POLICE or Federal Officers (DO NOT identify yourself as being with a specific police department). It is of utmost importance when seeking voluntary compliance or consent that those individuals with whom you are dealing understand who you are. This also serves to let them know that you carry a certain amount of authority. Know your law, authority, what you can enforce and how can you enforce it. Focus on the mission, as your ability to succeed may depend upon your ability to use words skillfully.

Discuss: What is the investigation? Seeking criminal fugitive aliens.

ESTABLISH CREDIBILITY... “We are with the Department of Homeland Security conducting an investigation”. This will lend credence to your presence and add weight to the importance of your interaction with the individual.

Topic 2: Obtaining Voluntary Consent

ASK FOR CONSENT TO “ENTER” and once inside, get secondary consent to “LOOK AROUND”.

Discuss the use of the word “SEARCH”.

If the situation requires you need to enter into a place where there is a reasonable expectation of privacy, absent a criminal search warrant or arrest warrant we are **required** to gain voluntary consent. Using verbal techniques helps to ensure voluntary compliance.

Identify Verbal Strategies

EPO 2

Identify verbal strategies for seeking voluntary compliance.

Topic 1: Important factors in identifying verbal avenues of approach.

Explain the purpose of your visit. Explain that you are conducting an investigation and looking for a violator or person of interest. Some considerations regarding your initial contact are:

The public will also perceive your body language.

- Your mere presence;
- The way you carry yourself;
- The way you stand;
- The feelings you project on your face;
- Your tone/verbal communication.

An officer needs to identify and recognize body language. What you observe in a person may dictate how you communicate with them.

Topic 2: How can we obtain voluntary compliance?

Find an angle. “Why should this person help us or how would it benefit them, the neighborhood or community in our investigation/operation?”. As ICE officers we are looking for criminal aliens, fugitives, sexual offenders, etc.

A LEO’s ability to succeed in their mission and avoid legal issues is highly dependent upon their ability to communicate effectively.

When dealing with individuals where you are seeking information, or seeking to confirm information you already possess, ask intelligence gathering questions. Remember, most of our contacts are based upon consensual encounters. Therefore ensure the communication you have with the individual is designed to expeditiously elicit the information you need to further your mission.

FOT members communicate with individuals from all aspects of society. It is vital they utilize good verbal skills to convey information, obtain information, obtain consent to enter and look around or get compliance from an individual.

Some examples of intelligence gathering questions posed to elicit information important to officer safety concerns and the mission at hand during a consensual encounter are:

- What is your last name sir/ms.?
- Are you the homeowner?
- How many people live here?
- How many people are here now?
- Are there any guns/weapons in the house?
- If, so where are they located?
- Do you have any dogs in the house? Are they restrained?

Topic 3: The use of empathy in a verbal encounter.

Social barriers

The use of empathy in communicating with individuals can help to absorb tension. Empathy is a powerful communication skill that is often misunderstood and underused.

Discuss how this information is relevant to ICE Officers.

The origin of the word *empathy* dates back to the 1880s, when German psychologist Theodore Lipps coined the term "einfuhlung" (literally, "in-feeling") to describe the emotional appreciation of another's feelings. Empathy has further been described as the process of understanding a person's experience by vicariously sharing that experience all the while maintaining an observer's stance.

- To empathize is:
 - To understand;
 - To see through the eyes of another;
 - Standing/walking in another's shoes;
 - To understand where they are coming from.

The use of empathy in communicating with individuals can help to absorb tension.

Redirecting focus

EPO 3

Identify methods of redirecting focus

Topic1: Dealing with difficult people.

When seeking voluntary compliance from a difficult person, explain early on what is in it for them. Show them, as clearly and specifically as possible, what they have to gain by cooperating. Tell them exactly what they stand to lose, only when they fail to cooperate.

When difficult people challenge your authority it is usually pointless to explain why you have asked or told them to do something. Why?

1. They don't care about your authority.
2. May not care of consequences of failing to obey.

But they are always interested in how the deal might benefit them. The "deal" itself does not have to be anything.

Topic 2: Threat traps

Avoid verbal threats, for instance, "I'm not going to say this again".

This threat traps you because if you're really not going to repeat yourself you are left with only one option---ACTION. If you are not prepared or don't have the authority to take the action you stated, you will lose credibility.

When dealing with uncooperative or difficult people:

Your mind set/attitude should be "say what you want but do as I say".

An exception would be a person whose words serve only to inflate him with adrenaline making him or his companions agitated. This serves to create an officer safety issue.

Topic 3: The “CALM DOWN” effect.

There are times when dealing with individuals who become excited or upset. Watch yourself in the mirror and try scrunching your face and shout “CALM DOWN!” Think about the responses you have gotten or you have given when someone has told you to “CALM DOWN!”

Most often this exclamation is inferred as criticism of people’s behavior. This command usually makes people more angry or upset. Now you’ve more than likely created a new problem. Not only is there the matter they were upset about to begin with, now they feel the need to defend their reaction to you.

One way to avoid this type of situation is the use of verbal deflectors. Some common useful verbal deflectors are:

“I understand that, but.”

“I hear that, but...”

“I hadn’t thought of that, but...”

“I can appreciate that, but...”

You show the individual that you empathize with them and their position but you stay focused on the mission as evidenced by ending the verbal deflector with “but” and you steer back to the mission at hand.

Keep in mind you can give the individual the last word because you have the last action. If you take away a person’s last word and have the last act, you may create an uncooperative or violent scenario.

Summary

As Law Enforcement Officers your world is highly visible -you basically live and speak in a fishbowl for all to see. Every time you speak or act people are watching you. Be aware that someone may be video taping you or catching your actions by cell phone.

Remember to stay calm in the midst of conflict, work to deflect verbal abuse and offer empathy in the face of antagonism.

The most effective law enforcement tool you possess is verbal communication and persuasion through voluntary compliance. Only you can make it happen with good verbal communication.

ENABLING PERFORMANCE OBJECTIVES

1. Identify the key points in an initial verbal encounter;
2. Identify verbal strategies;
3. Identify methods of redirecting focus.

TAKE AWAYS

LABORATORY

None

Assessment

None

•
•
•
•

Resources

HANDOUTS

None

APPLICATION MATERIALS

None

Approval Page

Approved by:

Section Chief, Division	Date
Unit Chief	Date
Director, Office of Training and Development	Date
Division Representative (DRO, OI, OPR, INTEL, FPS)	Date

The signature of the Division Representative, but if present indicates that the content presented in this lesson plan is accurate.

REQUEST/APPROVAL FOR NEW OR REVISED SCENARIOS

Date: September 13, 2010
Program: Immigration and Customs Enforcement Field Operations Training Program (ICE-D_FOTP)
Scenario Course Number/Title: Surveillance Lab (DAY EIGHT)
Scenario Number(s): Each scenario is a route. Routes #1-5 on file.

PURPOSE

New Scenario:	Revision: XX
Comments: Each of the four role players will be given a vehicle route in which they are to follow for this 4 hour exercise. Four scenarios are run simultaneously. The routes may use up to three pages of maps. The maps are labeled accordingly.	
Agency/Division conducting exercise: ICE	
Total Number of Role-players required for exercise: 4	
Role-player report location: ICE Building 16 second floor conference room.	
Length of Scenario (in hours): 4	Lunch: N/A Break: NA
Length of Time Role-players needed: 4.5 hours	Early Report Time (min): 30 min.

ROUTING NUMBER NAME DATE PHONE

ORIGINATOR			9/13/10	(843) 745	
DIVISION/ AGENCY CHIEF		(b)(7)(C),(b)(6)	9/13/10	(843) 745	
PROGRAM MANAGER		Chief, TMG	9/13/10	(843) 566	(b)(7)(C),(b)(6)
STUDENT SERVICES		(b)(7)(C),(b)(6) SSS	9/13/10	(843) 566	

DIVISION			
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SCENARIO COVER SHEET

Scenario Title/Number: Field Operations Training Program Surveillance Lab (DAY EIGHT)		
Number of Role-players required for this scenario: 4		
Role-player #: 1-4	Name of Character/Role: #1-4) The brother or sister of the fugitive	

Age: 22-55	Sex : No preferences	Race: No preferences
------------	----------------------	----------------------

Physical Characteristics: No preferences
Clothing Required: Casual Dress SPANDEX: The wearing of spandex, by the role-players, is a mandatory requirement when a body search is a possibility or is stated as a requirement of the students in the scenario description.
Special Requirements: Meet the ICE instructors at ICE Building 16 in the second floor conference room.
Props/Preparation Required: Be familiar with routes and driving directions. Preparation: The role-player contractor is required to ensure the role-players are properly trained, timely, knowledgeable of their scheduled character/exercise, meet all the character requirements, and are provided the required props (if prop responsibility lies with the contractor). All role-player questions on the requirements of the exercise should be addressed with the contractor management staff and resolved prior to the start of the exercise. Any unprepared role-player shall be replaced upon the request of an Instructor to the COTR or Contractor (if after normal working hours).
Vehicles (Number and type required): One government vehicle per role player. Motor pool Checkout Requirements: Role-players must show a valid form of identification (valid driver's license, FLETC ID) and provide the class name and number of the lab/PE to the motor pool attendant in order to checkout a Government vehicle.
Photograph Requirements: None
Comments: See attachment for role details. Role players should not stop to eat during the lab. All traffic laws must be adhered to during the exercise. The main purpose of this lab is to allow the team members to practice various techniques of surveillance (foot and mobile). The character should be pleasant and professional.

PROGRAM(s): ICE D_FOTP

DATE: September 13, 2009

LAB: Surveillance Lab SCENARIO: Surveillance Lab (ICE D_FOTP #1)

DIVISION RESPONSIBLE: ICE

LOCATION: Charleston, SC

INSTRUCTOR GUIDE:

1. Each Field Operations team leader will designate vehicle and officer assignments.
2. Each team will be assigned at least three vehicles.
3. Instructors will actively monitor the lab either riding with role players or in a separate vehicle.
4. Instructors will notify students that the scenario is in service via radio.
5. Instructors should minimize critiques process at the scenario site.
6. At the conclusion of the lab, all teams will meet at the classroom or designated area at which time the instructors and role players will critique the surveillance with the teams.

PROPS LISTING: None Required

SCENARIO OBJECTIVE: The officers will apply the law enforcement skills and knowledge necessary to safely effect surveillance while retaining all pertinent information to conduct a Field Operation culminating the arrest of the target.

EXPECTED SEQUENCE/EVALUATION CRITERIA:

1. Notify Instructor of location and the beginning of the surveillance.
2. Perform covert surveillance on the role player both on foot and by vehicle.
3. Request appropriate checks on the vehicle.
4. Conduct surveillance in a safe manner adhering to all traffic laws.
5. Prepare field notes to complete a G-166.
6. Were other significant issues or officer safety violations observed?

REQUEST/APPROVAL FOR NEW OR REVISED SCENARIOS

Date: September 13, 2010
Program: Immigration and Customs Enforcement Field Operations Training Program (ICE-DFOTP)
Scenario Course Number/Title: Surveillance Lab (DAY EIGHT)
Scenario Number(s): Each scenario is a route. Routes #1-5 on file.

PURPOSE

New Scenario:	Revision: XX
Comments: Each of the four role players will be given a vehicle route in which they are to follow for this 4 hour exercise. Four scenarios are run simultaneously. The routes may use up to three pages of maps. The maps are labeled accordingly.	
Agency/Division conducting exercise: ICE	
Total Number of Role-players required for exercise: 4	
Role-player report location: ICE Building 16 second floor conference room.	
Length of Scenario (in hours): 4	Lunch: N/A Break: NA
Length of Time Role-players needed: 4.5 hours	Early Report Time (min): 30 min.

ROUTING NUMBER		DATE	PHONE
ORIGINATOR	(b)(7)(C),(b)(6)	9/13/10	(843) 745
DIVISION/ AGENCY CHIEF		9/13/10	(843) 745
PROGRAM MANAGER		9/13/10	(843) 566
STUDENT SERVICES DIVISION		9/13/10	(843) 566

SCENARIO COVER SHEET

Scenario Title/Number: Field Operations Training Program Surveillance Lab (DAY EIGHT)		
Number of Role-players required for this scenario: 4		
Role-player #: 1-4	Name of Character/Role: #1-4) The brother or sister of the fugitive	
Age: 22-55	Sex : No preferences	Race: No preferences
Physical Characteristics: No preferences		
Clothing Required: Casual Dress SPANDEX: The wearing of spandex, by the role-players, is a mandatory requirement when a body search is a possibility or is stated as a requirement of the students in the scenario description.		
Special Requirements: Meet the ICE instructors at ICE Building 16 in the second floor conference room.		
Props/Preparation Required: Be familiar with routes and driving directions. Preparation: The role-player contractor is required to ensure the role-players are properly trained, timely, knowledgeable of their scheduled character/exercise, meet all the character requirements, and are provided the required props (if prop responsibility lies with the contractor). All role-player questions on the requirements of the exercise should be addressed with the contractor management staff and resolved prior to the start of the exercise. Any unprepared role-player shall be replaced upon the request of an Instructor to the COTR or Contractor (if after normal working hours).		
Vehicles (Number and type required): One government vehicle per role player. Motor pool Checkout Requirements: Role-players must show a valid form of identification (valid driver's license, FLETC ID) and provide the class name and number of the lab/PE to the motor pool attendant in order to checkout a Government vehicle.		
Photograph Requirements: None		
Comments: See attachment for role details. Role players should not stop to eat during the lab. All traffic laws must be adhered to during the exercise. The main purpose of this lab is to allow the team members to practice various techniques of surveillance (foot and mobile). The character should be pleasant and professional.		

**U.S. DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
DETENTION AND REMOVAL ACADEMY**

ADVANCE TRAINING DIVISION



**Homeland
Security**

~~This document may contain sensitive law enforcement information that is exempt from release under Exemption 7 of the Freedom of Information Act. The ICE/DRO Disclosure Office must be consulted before any of the information in this document is released.~~

LESSON PLAN

DRA INTERVIEW AND JOB AWARENESS TRAINING

DEVELOPED BY:

(b)(7)(C),(b)(6) Instructor, ICE/DRO Academy (06/07)

REVISED BY:

(b)(7)(C),(b)(6) CDI, ICE DRO Academy Advanced Training Division

REVIEWED BY:

(b)(7)(C),(b)(6) CDI, ICE/DRO Academy

SYLLABUS

COURSE TITLE: DRA Interview and Job Awareness Training
COURSE NUMBER: ICE-06272007
COURSE DATE: June 2007
LENGTH OF PRESENTATION:

Lecture	Lab	PE	Total	Program
1			1	DRA Program

DESCRIPTION:

To provide the assistance with information needed to make sound decisions when confronted with day-to-day operation or off-duty confrontations. These situations can occur on the job or off-duty and away from work.

TERMINAL PERFORMANCE OBJECTIVE:

Given interview situations, the DRA will determine whether or not he or she needs assistance from an Officer at work or be a good witness off-duty.

ENABLING PERFORMANCE OBJECTIVES (EPO):

EPO #1: Identify situations that may or may not require intervention when doing initial interviews at work or continuing interviews of aliens and or civilians in regards to Detention and Removal Operations case work.

EPO #2: Discuss the best responses to a possible volatile situation.

EPO #3: Identify the Early Warning Signs of a Potential Attack

EPO #4: Identify the elements of a Family Plan

METHOD OF EVALUATION:

Informational presentation

INSTRUCTOR GUIDE**METHODOLOGIES:**

1. Lecture 1 hour for DRA Program
3. Discussion Instructor and student interaction

TRAINING AIDS/ EQUIPMENT:

1. Instructor
 - a) Powerpoint
 - b) Instructor guide
2. Students
 - a) Workbook
 - b) Handout

TABLE OF CONTENTS

OUTLINE OF INSTRUCTION.....	7
I. INTRODUCTION.....	7
A. RAPPORT AND OPENING STATEMENT.....	7
B. TERMINAL PERFORMANCE OBJECTIVE (TPO).....	7
C. ENABLING PERFORMANCE OBJECTIVES (EPO).....	7
II. PRESENTATION	8
EPO #1: Identify situations that may or may not require intervention when doing initial interviews at work or continuing interviews of aliens and or civilians in regards to Detention and Removal Operations case work.	
EPO #2: Discuss the best responses to a possible volatile situation.	
EPO #3: Identify the Early Warning Signs of a Potential Attack	
EPO #4: Identify the elements of a Family Plan	
III. SUMMARY.....	10
A. REVIEW OF PERFORMANCE OBJECTIVES.....	10
IV. APPLICATION.....	10
A. LABORATORY.....	10
REFERENCES.....	11

INSTRUCTOR SPECIAL REQUIREMENTS:

1. Recommended class size is 24 students or less.

OUTLINE OF INSTRUCTION

I. INTRODUCTION

Unlike sworn law enforcement officers, most public safety employees, such as law enforcement assistants (Deportation Removal Assistants), truant officers, building inspectors, or social workers, do not have enforcement powers. However, these employees face similar threats to their safety because they, like law enforcement officers, often deal with individuals who have stepped across the boundaries of society's laws.

II. Presentation

EPO #1: Identify situations that may require intervention when doing initial interviews at work or continuing interviews of aliens and or civilians in regards to Detention and Removal Operations case work.

Types of situations that may occur at work may include the following, irate alien wanting to see his or her Deportation Officer, a lawyer wanting to know why their client has not be released yet, a person angry with ICE for removing a family member, or unstable aliens coming to a schedule appearance with an Officer.

EPO #2: Discuss the best responses to a possible volatile situation.

The DRA may be confronted with situations that could lead to an aggressive encounter or confrontation. Assistants should try to use communication techniques in response to unruly subjects in an attempt to deescalate the situation. If this fails to work, the DRA should break contact with the individual and obtain the assistance of an officer. Do not open or unlock door to potential threats and try to stay behind cover or have a barrier between you and the violator. The most important thing to remember is to remain calm and have a plan. The Supervisor should give guidance in the Field Office and you should have the ability and means to call security or the police, if the need arises.

EPO #3: Identify the Early Warning Signs of a Potential Attack.

Employees may detect some early warning signs of an attack. For example, do the subjects have a known violent background? Do they ignore authority by turning and walking away? Do they glance at a particular object or in a certain direction, perhaps toward a potential weapon or hard object or even a pen or pencil, an avenue of exit, another person, or toward another item that they may use against the employee? Are they standing with arms crossed or hands placed on hips? Perhaps, even more telling,

do they clench their fists or take a defiant stance? These examples all serve as potential pre-assault indicators. If any occur, employees immediately should attempt to distance themselves from the potential threat.

Conspicuous ignoring: As employees talk, subjects give no sign of understanding the conversation or dialogue. They avoid eye contact and will not answer questions. They may ignore facts specifically pointed out to them. They may be formulating their plan of attack or withdrawal.

Repetitive inquiries: Individuals will keep repeating the question posed by employees, even after having been provided a satisfactory response, to help buy time to formulate a lie or develop a plan of attack.

Looking around: Subjects may be attempting to find a way out of the situation. In their minds, the employees are the ones who placed them there and made them feel this level of discomfort. This is different than target glancing in that their heads swivel to find "any way out," including through the employees.

Exaggerated pacing: This speaks to their level of agitation and could indicate that they are warming up for a withdrawal or an attack. **Ceasing all movement:** This is the reverse of exaggerated pacing and is better known as "the calm before the storm," but possibly could indicate some type of action by the subject.

Actual threats: Employees should take these seriously. They should not minimize actual statements or threats made by subjects. They should take such subjects at their words or actions and respond appropriately. They also should document the threat.

Flight versus fight: Because it remains difficult to tell whether any of these actions are made in an attempt to withdraw or as a precursor of an attack, it is only prudent to assume that they may be indicating a possible attack and to react accordingly. It is not worth the employee's safety to risk not responding.

The ability to reduce stress during an encounter remains an important trait for employees having contact with the public. To deescalate a situation, employees quickly must identify when someone becomes upset, begins to show signs of agitation, or reveals any warning signs and help decrease the individual's level of agitation. However, if employees believe their safety is in jeopardy, they should return later with coworkers, conduct the interview in a safer environment, or obtain police protection so that they can quickly, and safely, resume the questioning.

Another tactic, is called **screening**, screening involves consciously placing barriers or objects between the employee and the interviewee. When conducting interviews inside, employees can try to keep a table or desk between themselves and the subjects when conducting the interview. By creating this barrier, employees can hinder an attack and give them some time and distance to react or escape should an attack occur. If two employees attend a meeting, each employee should use available barriers. With good

positioning, an attack becomes less likely because the subject cannot reach two people separated or shielded by obstacles.

Should an incident occur, the Assistant will be interviewed soon after the incident occurred. This information could be vital to officers or other investigators; unfortunately, many times an incident increases the level of anxiety and coherent speech seems almost impossible. An effective way of dealing with this situation, or any other situation involving a great deal of anxiety is tactical breathing, which has been used by law enforcement officers for years.

Tactical breathing is very simple and easy to learn; first you need to know when this technique can be helpful. As soon as you feel yourself losing control all you need to do is breath in for 3 seconds and hold it. Count to 3 in your head and exhale for 3 seconds. Hold for 3 seconds and then repeat the process. One cycle should take 12 seconds. Just remember when someone told you to count back from 10 and talk to them when you were ready. Using this technique will rapidly reduced your heart rate and quickly lets you gain your composure. In a stressful situation one needs to be able to breathe and speak calmly. If you are speaking you are breathing and able to compose yourself.

EPO #4: Identify the elements of a Family Plan.

Assistants should understand that they work in Law Enforcement even though they may not carry a badge and gun. They are the first government official that most individuals will come in contact with. The responsibilities of a DRA are changing and there will be more duties assigned as a matter of course. These responsibilities will put even more power and pressure on the assistant and increase the potential for negative confrontations in the office environment. As law enforcement assistants, you should prepare yourself on a regular basis. Have you trained your family on how to react when you need to become involved in an off-duty incident?

Your family should:

- Never publicly reveal your government status.
- Know how to quietly alert your family to danger.
- Learn to distinguish between cover and concealment for their own safety.
- Be taught calming techniques such as the tactical breathing technique.

II. SUMMARY

Although you may not have a badge and a gun you need to be prepared and stay aware of your surroundings and environment. You need to understand the warnings signs of an attack or altercation. You can take an active role in protecting yourself and your family.

IV. APPLICATION

A. Laboratory

No Laboratory

B. Method of Evaluation

A video will be attached with a situational awareness scenario and each DRA group will identify the precursors to the attack. The instructor will evaluate resolutions and apply training to correct any deficiencies.

“

REFERENCES

Safety Awareness for Public-Contact Employees; By [REDACTED] and [REDACTED] Internet, 2007.

The Professional Law Enforcement Assistants' Association By [REDACTED] [REDACTED] Internet 2007.

Fugitive Operations Laboratory

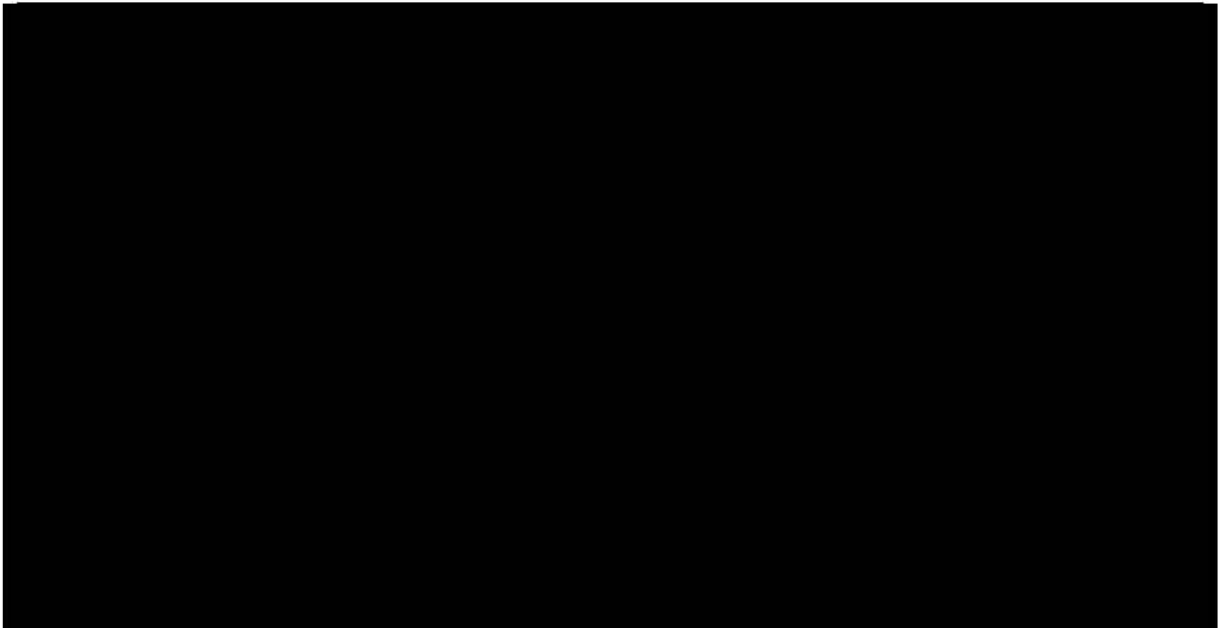
Detention and Removal Operations Training
Division

DRO7160.01

March 2009



**U.S. Immigration
and Customs
Enforcement**



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Lesson Plan Overview

Course Title		Fugitive Operations Laboratory			
Course Number		DRO7160.01			
Course Duration		8 hours			
Lecture Time	Lab Time	PE/Exam Time	Total Time	Programs	Applicable Portions
No lecture	8 hours		8	FOTP	ALL PHASES
Course Description		ICE Fugitive Operations Vehicle Stop and Administrative Arrest			
Terminal Performance Objective (TPO)		Given various fugitive operations scenarios, students will take appropriate action according to DRO policy and procedures and the 4 th Amendment.			
Enabling Performance Objectives (EPO)		1. Demonstrate a proper vehicle stop with an administrative arrest warrant. 2. Demonstrate a proper administrative arrest at a residence or business. 3. Identify and demonstrate the proper use of force with computer based integrated training (MILO).			
Instructional Methods		• Demonstration • Case study • Role-play			
Method of Evaluation		Instructor feedback			
Classroom Requirements		Team shall meet in classroom for briefing from FOD (instructor) at allotted time. Teams shall meet in classroom or other designate spot for MILO Use of Force Training.			
Instructor Materials/ Resources		Scenario guide and role-player scripts. MILO room and equipment.			

Lesson Plan Overview

Student Materials/ Resources	All gear associated with conducting Fugitive Operations, including GPS, binoculars, gun belt etc. Students will need two vehicles for the both phases of the laboratory equipped with emergency lights and sirens.
Instructor Special Requirements	There should be at least 6 instructors assigned to this evolution. One instructor to role play as a FOD for briefing the teams, one instructor for evaluation of vehicle stop, one instructor to evaluate residential arrest, one instructor to operate and evaluate MILO and UOF, one instructor to film entire evolution by team, and one 4 th Amendment Subject Matter Expert (SME).
Student Special Requirements	Students will be assigned to a team. There shall be four teams of 5 and one team of four. These teams should be assigned by field office and region, in an attempt to keep officers from same geographic areas office together.
Role-Players	5 role players for 8 hours
Other instructor requirements	Instructor will have knowledge of Use of Force and operation of the MILO System.

Curriculum Development and Review Team

Developed by:

Date

(b)(7)(C),(b)(6) ICE Training Staff (FOTP), Glyncro, GA

February 2007

Revised by:

Date

(b)(7)(C),(b)(6) CDI, Advanced Training, Charleston, SC

January 2009

(b)(7)(C),(b)(6) HQDRO, NFOP

March 2009

Summary of revisions:

Changed some syntax and wording

Reviewed by:

Date

(b)(7)(C),(b)(6) Branch Chief, ICE Academy

March 2009

(b)(7)(C),(b)(6) Section Chief, ICE Academy

March 2009

Table of Contents

Introduction.....	1
Purpose of Course.....	1
Introduction, Motivation, and Rapport.....	1
Enabling Performance Objectives.....	1
EPO 1.....	1
EPO 2.....	1
EPO 3.....	2
Summary.....	2
Enabling Performance Objectives.....	2
Take Aways.....	2
Laboratory.....	3
EXPECTED SEQUENCE: Vehicle stop.....	3
Role-Player Instructions:.....	4
Vehicle stop.....	4
Role-player #1: (Girlfriend).....	4
Role-player # 2: (Fugitive).....	4
EXPECTED SEQUENCE: Residential Arrest.....	4
Residential Arrest.....	6
Role-player #1: (Girlfriend).....	6
Role-player #2: (Friend).....	7
Role-player # 3: (Fugitive).....	7
Assessment.....	9
Surveillance lab (off-site).....	9
Attachments.....	11
Approval Page.....	12

Introduction

PURPOSE OF COURSE

As an ICE officer, you will identify various policies and procedures within the DROPPM and the CFR to arrest and remove aliens under investigation for being fugitive aliens. Given various fugitive operations scenarios, students will take appropriate action according to DRO policy and procedures.

INTRODUCTION, MOTIVATION, AND RAPPORT

Instructor will introduce him/herself and pointing out relevant experience with conducting fugitive operations, including conducting vehicle stops and making arrests at residences.

Instructor will act as a FOD and give target information and advise team that a news crew will be filming.

ENABLING PERFORMANCE OBJECTIVES

1. Demonstrate a proper vehicle stop with an administrative arrest warrant.
2. Demonstrate a proper administrative arrest at a residence or business.
3. Identify and demonstrate the proper use of force with computer based integrated training (MILO).

EPO 1

Demonstrate a proper vehicle stop with an administrative arrest warrant.

1 REDGUN in vehicle (glove box or side panel of passenger door)

Officers will observe target entering his vehicle preparing to drive off. Officers will follow the target and set up to make a vehicle stop in order to affect the administrative arrest. Officers will set up on the target vehicle and effect the vehicle stop. The officers will make contact with the individuals and safely affect the arrest of the target. Officers will identify and run criminal wants via NCIC on all individuals encountered in the vehicle before they depart. Officers will apply the law enforcement skills and knowledge necessary to safely effect a vehicle stop culminating in an administrative arrest. Pertinent information will be obtained for completion of ICE reports.

EPO 2

Demonstrate a proper administrative arrest at a residence.

Officers will respond to assigned raid house for the service of an ICE Administrative Arrest Warrant on a fugitive criminal alien. Officers will apply the law enforcement skills and knowledge necessary to safely affect an administrative arrest. Pertinent information will be obtained for completion of ICE reports.

Team _____; respond to RAID HOUSE # _____ to serve an Administrative Arrest Warrant.

EPO 3

Identify and demonstrate the proper use of force with computer based integrated training system (MILO).

Instructor should have knowledge in both UOF and the MILO system.

The FOTP student will complete several UOF scenarios using the MILO system from IES. The scenarios will be provided by a UOF instructor in a room specifically designated for MILO. Each student will participate in at least 2 scenarios and many participate in others as time allows.

Use of good verbal skills and cover should be emphasized.

Summary

As an ICE officer, you will identify various policies and procedures within the DROPPM, Use of Force Policy, 4TH Amendment and the CFR to arrest and remove aliens under investigative for being fugitive aliens.

ENABLING PERFORMANCE OBJECTIVES

1. Demonstrate a proper vehicle stop with an administrative arrest warrant.
2. Demonstrate a proper administrative arrest at a residence.
3. Identify and demonstrate the proper use of force with computer based integrated training (MILO).

TAKE AWAYS

FOTP students should have an understanding of the policy and procedures to complete the mission of the NFOP.

Laboratory

EXPECTED SEQUENCE: Vehicle stop.

1. Notify Sector of location of the vehicle stop.
2. Performed a visual survey/secondary threat assessment.
3. Make tactical contact and if necessary a tactical approach to the vehicle.
4. Place the Target in a position of disadvantage.
5. Identify Target and safely place him under arrest.
6. Request ID on all persons inside the vehicle and run appropriate checks.
7. Conduct a safe and methodical search of the vehicle.
8. Obtain field notes for a report.
9. Used tactics appropriate for the level of perceived threat.
10. The level(s) of force used by the officer(s) appeared reasonable throughout the scenario. If **Not**, explain in the comment section.
11. Were any other significant issues or officer safety violations observed? If so, explain in the comment section.

Role-Player Instructions:

VEHICLE STOP

Role-player #1: (Girlfriend)

The officers are attempting to serve an administrative arrest warrant for your boyfriend. He will be the passenger in the vehicle you are driving. When pulled over you will comply with all the officers' commands. You will question the officers as to what is going on but comply with all instructions. There will be a safe gun hidden in the vehicle on the passenger side. You should become agitated seeing your boyfriend in handcuffs and become verbally upset but ultimately follow the officers' instructions.

Role-player # 2: (Fugitive)

You are wanted on an administrative arrest warrant for your deportation from the United States. You have a criminal history for minor charges. You are aware that you have been ordered removed from the United States but have been in hiding hoping that Immigration authorities wouldn't catch up with you. You are passenger in your girlfriend's vehicle. When the officers pull your girlfriend over you should slouch down and attempt to remain hidden in the vehicle. There will be a safe gun located in the passenger compartment within reach but you will not recover the weapon. You will hesitate when the officers give you commands, however, after a few moments you should comply with their commands. The entire time you should be verbally agitated and question the officers as to what is going on. When you find out that they are arresting you on the outstanding order of deportation you should advise them that your lawyer is handling this and everything is being taken care of. You should tell your girlfriend to contact the lawyer to help you.

EXPECTED SEQUENCE: Residential Arrest

1. Notify local police and/or Sector of location and nature of action (arrest warrant, search warrant, warrant of removal etc.).
2. Performed a visual survey/secondary threat assessment.

3. Make contact and obtain consent to make entry with entire team.

“Locals” will have perimeter on this evolution.”
4. After consent and entry is made, contact officer should obtain secondary consent to look around.

Per OPLA and FOTP policy
5. Officer should place consent giver in a position disadvantage while maintaining consent.

Place person in a chair or furniture that is easily searched.
6. Contact officer should continually talk to consent giver to gather more information and usable intelligence about wanted Target or violator.

“Gift of gab” is very important to getting and maintaining consent.”
7. Team leader will ensure search team is in proper position and doing their job.

Make sure the team members use; “can we look around”, “have a look for” or others rather than “search the house”.
8. Once others persons are encountered in the house, the team should centralize them in a place that can be controlled.
9. During search; arrest should be made at point of contact with violator. Search team should acknowledge identification of violator with “tango”, “target” or “10-15” to let consent team know that an arrest has been made on the fugitive in question.

Note search incident to arrest.
10. Search team should ask and obtain all travel documents, medications from fugitive and inquire if there are any children who’s care he/she is responsible (including at school, day care, etc.)

Policy Memo
11. SIA, protective sweep of room, etc.
12. Search team should bring fugitive into centralize collection point, obtain identification from everyone in the residence and run NCIC checks on everyone.

Policy Memo
13. Team should arrest guest and call the PD regarding the felony warrant.

14. Team should leave residence after giving consent information about the arrestee.

RESIDENTIAL ARREST

Role-player #1: (Girlfriend)

The officers are attempting to serve an administrative arrest warrant for your boyfriend at his home (he will be in a back room of the home). You will answer the door when the officers arrive. Once the officers properly identify themselves they should request consent to enter the home to ask a few questions. You provide consent to enter the residence. Once inside you should invite the officers to have a seat. If the officers do not use proper officer presence in having you take a seat in the living room you should attempt to move around the living room.

The officers should inquire as to your identity and ask about weapons in the house. You should advise that you don't know about weapons as it is your boyfriend's home. If asked, you should tell the officers that you have a key for the residence. If asked to produce ID, you should reach for your purse to show some ID. If the officers ask to look in the purse before retrieving your ID you should hesitate but allow them to do so. If they find the knife and drugs in your purse you should claim they are not yours.

If the officers allow you to retrieve your ID without asking to check the purse first, you should retrieve your ID from the purse. A safe knife will be in your purse; however, you should not remove the knife or display it to the officers. Once you have shown the officers your ID you should keep your purse at your side. Officers should ask if there is anyone else in the house. You tell them that you are not sure as you have been taking a nap.

If the officers ask for consent to look around the house you should hesitate and ask what this is all about. If they provide a reasonable explanation, you should allow the officers to look around. Once your boyfriend is encountered in the back of the house you should become concerned as to what is going on with your boyfriend and tell the officers you want them to leave. The officers should advise that they are in the process of making an arrest and will remain in the home until the arrest has been completed. When the officers bring your boyfriend out through the living room you should become agitated seeing your boyfriend in handcuffs and become verbally upset but ultimately follow the instructions given by the officers.

Role-player #2: (Friend)

You are a friend of RP#1 and are at her boyfriend's house with her. When the officers enter the house you should already be in another room at the rear of the house. You will have ID on you and provide it when requested. You will follow all of their instructions. When the officers contact the fugitive (boyfriend) in the back room of the house you should become frightened by what is going on and act scared. When the officers bring him out through the living room you should become agitated seeing your friend's boyfriend in handcuffs and become upset but ultimately follow the officers' instructions. You are a United States citizen. You have a felony warrant out of Charleston for possession of cocaine. Do not volunteer this information. The officers should run the appropriate checks on you, which would reveal the active warrant.

Role-player # 3: (Fugitive)

You are wanted on an administrative arrest warrant for your deportation from the United States. You have a criminal history for minor charges. You are aware that you have been ordered removed from the United States but have been hiding out hoping the Immigration authorities wouldn't catch up with you. You are at your home with your girlfriend and her friend. The officers arrive at your front door and your girlfriend answers the door while you are in one of the back bedrooms. Once the officers enter your home you will be hiding in the back room by attempting to lie on the bed under the covers or hiding in the closet.

When the officers find you, you should follow their commands but continually ask what is going on, telling them the whole time that your lawyer was supposed to be taking care of this. You will comply with all instructions given by the officers but be verbally upset. If asked if you have a passport you will tell them that it is located in the room with you and direct them to where it is. After they have handcuffed you and are walking you out you should continue to question the officers as to what is going on and call out to your girlfriend to get your lawyer on the phone. As they walk you through the living room you should plead with your girlfriend to get you some help. At all times you should physically comply with all instructions but you may be as verbally resistant as you deem necessary.

Props/Preparation Required: FLETC (SC.) DL,
WOMAN'S PURSE

Preparation: The role-player contractor is required to ensure the role-players are properly trained, timely, knowledgeable of their scheduled character/exercise, meet all the character requirements, and are provided the required props (if prop responsibility lies with the contractor). All role-player questions on the requirements of the exercise should be addressed with the contractor management staff and resolved prior to the start of the exercise. Any unprepared role-player shall be replaced upon the request of an instructor to the COTR or contractor (if after normal working hours).

Vehicles (Number and type required): One government vehicle.

Motor-pool Checkout Requirements: Role-players must show a valid form of identification (valid driver's license, FLETC ID) and provide the class name and number of the lab to the motor-pool attendant in order to check out a Government vehicle.

Assessment

Evaluation Checklist from ICE Attorney

TEAM _____

Date _____

Surveillance lecture:

Instructor(s) _____

Discussion of 4A compliance: Y N

Discussion of use of force compliance: Y N

Surveillance lab (off-site)

FUGOPS Practical exercises

Date _____

VEHICLE STOP -

Positive or p/c ID of Tat trailer: Y N

Team approach/safety: Good Fair Problematic

Team leader contact w/ driver: Good Fair Not good

Secured keys: Y N Car still running: Y N

Identification: Y N

Driver: removed from car cuffed arrested released

Consent/trunk: Y N

Extraction of target: prompt moderate slow

Arrest/cuffing of target: Good Fair Problematic

T arrest communicated to team: Y N

Request for travel docs/meds/kids: Y N

Search of target: Y N

SIA of car: Y N

The Level of Force used by the Team appeared reasonable throughout the exercise: Y N

Used tactics appropriate for the level of perceived threat: Y N

Location of firearm: Y N Communicated to team: Y N

T/driver – asked whose gun: Y N

Overall security/safety of team: Good Fair Problematic

Check w/ sector: Y N

Instructor comments:

TRAILER ENTRY –

Outside security: Good Fair Problematic None needed/CPD

Contact w/ occupant: Good Fair Problematic

ID as police/ICE/DHS Y N

Consent to enter: Y N

Consent to look around: Y N

ID of occupant #1: Y N

Documented re: consent Y N

Team roaming b/f consent: Y N

Interior Security provided by team: Good Fair Problematic

Search for T: Good Fair Problematic

“T” arrest communicated: Y N

SIA of T: Y N

Request for travel docs/meds/kids Y N

Contact w/ occupant #2: Good Fair problematic

Occupant #1: chair couch Occupant #2: chair couch

SIA of couch: Y N

ID of #2: Y N

Check w/ sector: Y N

1 Y N

#2 warrant ID: Y N

#2 arrested: Y N

Team leader in control of scene: Y N

Exit procedure: Good Fair Problematic

The Level of Force used by the Team appeared reasonable throughout the exercise: Y N

Used tactics appropriate for the level of perceived threat: Y N

Instructor comments:

RHB/121808

Attachments

Approval Page

Approved by:

Section Chief, Division	Date
Unit Chief	Date
Director, Office of Training and Development	Date
Division Representative (DRO, OI, OPR, INTEL, FPS)	Date

The signature of the Division Representative, but if present indicates that the content presented in this lesson plan is accurate.

Networking & Liaison

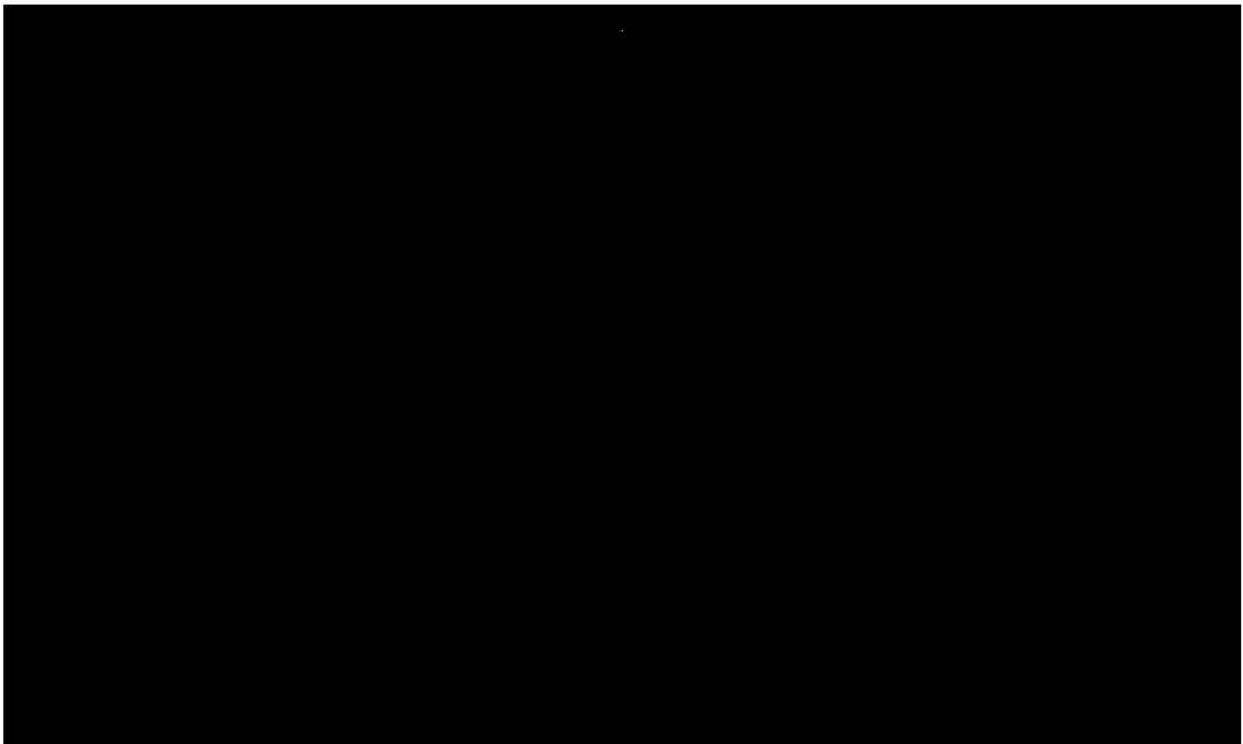
Enforcement and Removal Operations
Training Division

ERO7040.02

May 2010



U.S. Immigration
and Customs
Enforcement



This document is not to be released outside the ICE Academy without the written permission of the ICE Office of Training and Development (HQ).

Lesson Plan Overview

Course Title		Networking/Liaison			
Course Number		ERO7040.02			
Course Duration		2 hours			
Lecture Time	Lab Time	PE/Exam Time	Total Time	Programs	Applicable Portions
2 hours				ALERT-I	EPOs 1-3
2 hours				DRATP	EPOs 1-3
1 hour				AFOTP	EPOs 1-3
Course Description		Students are introduced to the value of networking and conducting liaison with agencies and organizations. Utilizing this cooperation enhances ICE's ability to accomplish its mission of locating and arresting fugitive aliens.			
Terminal Performance Objective (TPO)		Given a field situation, the officer will establish and maintain effective liaison with various agencies and entities, including other departments and offices within ICE, in accordance with best practices and ICE policy.			
Enabling Performance Objectives (EPO)		1. Recognize the importance of networking and liaising with other agencies and entities. 2. Identify what specific information may be available from other agencies and entities. 3. Identify how to tactfully elicit information.			
Instructional Methods		• Lecture • Questioning • Discussion • Case Scenario			
Method of Evaluation		None			
Classroom Requirements		• Computer Lab with Intranet and Internet connectivity (24 seats and instructor station with projection) • Group classroom (up to 24 students with instructor station for PowerPoint presentation and overhead screen).			

Lesson Plan Overview

Instructor Materials/ Resources	• Instructor Guide • Power Point Presentation • Handouts (From I-138) • Instructor Station with presentation equipment
Student Materials/ Resources	• Participant Workbook for each student • Handouts (I-138.pdf)
Instructor Special Requirements	There are no special requirements.
Student Special Requirements	There are no special requirements.
Role-Players	<u>AFOTP ONLY</u> Role Players will be used during a phase of the AFOTP Continuing Case Scenario which relates to EPOs covered in this Networking and Liaison Lesson Plan. Refer to the AFOTP CCS Guide for Role Player requirements.

Curriculum Development and Review Team

Developed by:

(b)(7)(C),
(b)(6) Deportation Officer (CDI), ERO Advanced Training

Date

December 2008

Revised by:

(b)(7)(C),(b)(6) CDI, ERO Advanced Training

March 2009

(b)(7)(C),(b)(6) HQERO NFOP

March 2009

(b)(7)(C),(b)(6) CDI, ERO Advanced Training

April 2010

(b)(7)(C),(b)(6) CDI, ERO Advanced Training

April 2010

(b)(6),(b)(7)(C) CDI, ERO Advanced Training

April 2010

Summary of revisions:

Changed apprehension to arrest.

Added hours for the AFOTP course, deleted FOTP hours, and adjusted TPO and EPOs to reflect those approved during AFOTP curriculum review. Moved the information within the EPOs under the correct sections, and added more information.

Reviewed by:

(b)(6),(b)(7)(C) Branch Chief, Specialties, ICE Academy (Advanced)

Date

May 2010

(b)(6),(b)(7)(C) Section Chief, ICE Academy (Advanced)

May 2010

Table of Contents

Introduction	1
Purpose of Course.....	1
Enabling Performance Objectives.....	1
Networking and Liaison Importance.....	1
EPO 1	1
Topic 1: Introduction.....	2
Topic 2: Importance.....	2
Examples of Information.....	3
EPO 2.....	3
Eliciting Information.....	6
EPO 3.....	6
Topic 1: Development / Cultivation of Relationship	6
Topic 2: Liaison Maintenance Procedures	9
Summary	10
Enabling Performance Objectives.....	10
Takeaways.....	10
Laboratory	10
Assessment.....	11
Resources	11
Handouts	11
Supplemental Resources	11
Application Materials	11
Approval Page.....	12

Introduction

PURPOSE OF COURSE

The mission of ERO is to promote public safety and national security by ensuring the departure of all removable aliens from the United States.

The primary responsibilities of the ERO program as part of the DHS immigration and law enforcement mission are to provide adequate and appropriate custody management to support removals, to facilitate the processing of illegal aliens through the immigration court, and to enforce their departure from the United States. In order to accomplish these tasks, officers must be able to do the following: identify and remove high-risk illegal alien fugitives and absconders; ensure that those aliens who have already been identified as criminals are expeditiously removed; and, develop and maintain a robust removals program with the capacity to remove all final order cases issued annually.

By networking and liaising with outside agencies and organizations, as well as other departments and offices within ICE, ERO officers and agents can enhance their ability to locate and arrest these high risk criminal and fugitive aliens and to effect the removal of these removable aliens.

This course will introduce students to the concepts of networking and liaison and provide instruction on developing and maintaining these relationships, in order to elicit any and all information helpful in accomplishing the ICE ERO mission.

ENABLING PERFORMANCE OBJECTIVES

1. Recognize the importance of networking and liaising with other agencies and entities.
2. Identify what specific information may be available from other agencies and entities.
3. Identify how to tactfully elicit information.

Networking and Liaison Importance

EPO 1

Recognize the importance of networking and liaising with other agencies and entities.

Topic 1: Introduction

The instructor should introduce him/herself and describe some instances where they have had to network in order to establish and maintain liaison working as a ERO officer.

The importance of effective liaison by ICE officers cannot be over-emphasized. The general public will gain better understanding of ICE and its mission. A closer bond between ICE, outside Federal, State, County and Local law enforcement agencies (LEAs), and relevant non-law enforcement entities (i.e. foreign consular corps and transportation companies) will be ensured.

Topic 2: Importance

Merriam-Webster Online defines NETWORKING, LIAISON, and LIAISING as follows:

NETWORKING: the exchange of information or services among individuals, groups, or institutions; specifically: the cultivation of productive relationships for employment or business.

LIAISON: communication for establishing and maintaining mutual understanding and cooperation.

LIAISING: to establish liaison.

Positive liaison with agencies and entities that can assist the ICE agenda singularly and/or on a large scale, serves to develop a network of agencies and entities (or sources of information) that act as force multipliers for ICE, allowing ICE to work smarter, not harder. For example, effective liaison can result in the following:

- development or confirmation of leads as to the location of fugitive, criminal, and high-risk aliens;
- assistance from other ERO or ICE entities as well as outside federal, state and local LEAs during various enforcement operations, e.g., surveillance, knock and talks, and criminal warrant execution;
- reduction or elimination of delays that might otherwise be encountered while arranging for documentation and removal transportation of an alien.

Examples of Information

EPO 2

Identify what specific information may be available from other agencies and entities.

The number of public and private organizations and agencies with whom liaison should be established are virtually unlimited. The following are just some examples of organizations and agencies with which ERO will network and liaison.

Any of the LEAs contacted may volunteer to assist with the investigation and/or arrest.

A. Local, state and county law enforcement may provide assistance from the following divisions:

- Records
- Gang unit
- Robbery and homicide
- Sex crimes
- Narcotics
- Traffic
- Daily assigned Patrol Officers

ICE may benefit in locating jail space or expediting receipt of police reports, records of police response to residence, and lab reports (i.e. drugs, firearms).

Patrol officers can be called in to assist in arrests at residences (uniformed presence).

The cooperation of most police agencies will be promptly and freely given largely benefiting the interest in the ICE mission and to operational needs. However, in the spirit of reciprocity, ERO should explain to the LEA what various ICE programs might benefit that agency either immediately or in the future (i.e. CAP, 287(g), JCART, NFOP).

B. DEA de-confliction checks should be done as soon as possible in ongoing investigations, and are mandatory before ICE makes an arrest at a residence or business. Aliens subject to ICE arrest may be confidential informants, witnesses, associates or otherwise persons of interest in ongoing or closed investigations. This goes also for the residence or business with which ICE believes the alien of interest is associated. If these deconfliction checks reveal an open DEA investigation, no action should be taken prior to contact with the case agent. If a closed investigation is encountered, contact with the case agent may result in productive leads for the ICE case. DEA deconfliction checks include TECS: SQAD, SQ11; and NCIC checks

In some offices there are specific numbers and individuals who ICE is directed to contact for deconfliction by local policy...

DEA may also call upon ERO to file 8 USC 1326 charges against a suspected alien drug trafficker.

C. ATF may be able to provide in-depth records pertaining to the purchase, sale and transportation of firearms including transportation of firearms in interstate commerce. If a firearm is encountered during an ICE investigation, the serial number must be run through the ATF databases.

May be useful in charging aliens criminally for violations of 18 USC 922. Local PD may take possession of the firearms and do these mandatory serial # checks.

D. US Marshal Service (USMS) commonly assigns Deputies/Agents to various Federal, State, and Local task forces and their Warrants Officers are normally available to assist with ICE warrant service and location of ICE fugitives. They can also be instrumental in the relocation of aliens who are to be transferred on writs and federal warrants.

USMS may frequently request ICE assistance in the service of their warrants, and request information from ICE files in furtherance of their investigations.

E. FBI counter-intelligence units may be interested in aliens from special interest countries. The FBI, specifically JTTF, have to be contacted in the event of a Third Agency Check (TAC) hit or if an ICE official believes an alien has a terrorist nexus. ICE is also responsible for communication of certain information to the local FBI office concerning but not limited to:

See TAC memorandum dated 10/08/03, Anthony Tangeman.

- Bribery, grafts and impersonation cases
- Subversive activity
- Espionage

F. Department of Motor Vehicles will be able to advise if an alien has applied for or received a state issued driver's license, ID card or vehicle registration. In addition, copies of applications as well as ID photos can be obtained.

Discuss the possibility of setting up a meeting with the DMV fraud investigator or investigations unit in order to promote a working relationship.

G. Social Security Administration cooperation varies from area to area. Some areas have very good contact with the local SSA office while others may not. Section 290c of the INA requires that the SSA provide reports on social security account numbers and earnings of aliens not authorized to work in the US.

Discuss the standard letter format for verifying the issuance of an SSN. FOSC is attempting to establish uniform release of SSN information to ICE.

H. State Departments of Revenue and Human Services may provide valuable information on persons receiving wages and benefits.

WIC, Food Stamps, may have site visit files noting boyfriends, etc.

I. US Postal Service employees, including Postal Inspectors and the Postmaster, may provide assistance in verifying if a particular person is receiving mail at an address or any forwarded address.

Mail covers may also be used, but only in criminal cases where the information on the outside of any container, envelope, or wrapper of mail may be used to locate a fugitive or to obtain evidence of a felony.

J. Correctional institutions and Parole and Probation offices including the Bureau of Prisons (BOP) can provide parole status, residence and employer addresses, criminal bond obligor and information, and visitor information. The BOP will normally allow ICE to review the institutional files of aliens who have served sentences in BOP facilities. The BOP may also possess copies of J&Cs.

K. Local, County, State and Federal courts may provide J&Cs, lab reports, police reports as well as information pertaining to Victim Witness cases, domestic violence cases and even civil cases (i.e. child support).

L. Sex Offender Registry persons required to register as Sex Offenders are tracked by State Agencies and information is available nationwide. When an alien of interest has been required to register as a sex offender, it may be helpful to contact the State or Local Sex Offender Registry office as they keep paper files on each offender, similar to Probation and Parole. It contains information such as family members, residences and work places.

M. Banks, utility companies, insurance companies may all have information regarding an alien's whereabouts; however, a subpoena may be required. Most of these entities/organizations have investigative staff, specifically assigned to deal with law enforcement requests (make sure you are talking to the right person).

Discuss the difference between an ICE Letter that simply requests information regarding individuals receiving mail at a particular address vs. a Mail Cover.

www.fbi.gov/cid/cac/states.htm

Use of a subpoena is authorized in section 287 (a)(5) of the INA. Form I-138 is required to request a subpoena.

Due to the Bank Secrecy Act (BSA), it is best to send a grand jury subpoena when requesting information from banks.

Lesson Plan Overview

Classroom Requirements	Group classroom (4 table groups of 6) with instructor station including computer, projector, and screen, Computer lab.
Student Materials	Participant Workbook for each student
Inst. requirements	PowerPoint and Guide
Student Requirements	None
Role-Players	None

Curriculum Development and Review Team

Developed by:

(b)(7)(C),(b)(6) CDI, Advanced Training Section, DRO
(b)(7)(C),(b)(6) DDO, HQFOU, DRO
(b)(7)(C),(b)(6) DDO, HQFOU, DRO

Date

November 2007
November 2007
November 2007

Revised by:

(b)(7)(C),(b)(6) Branch Chief, Advanced Training Section, DRO

Date

December 2009

Summary of revisions: Added priorities from 12/8/09, AS memo

Reviewed by:

(b)(7)(C),(b)(6) Section Chief, ICE Academy
(b)(7)(C),(b)(6) HQ NFOP

Date

December 2009
December 2009

Table of Contents

Introduction	1
Purpose of Course.....	1
Enabling Performance Objectives.....	1
Introduction, Motivation, and Rapport.....	1
NFOP.....	1
EPO 1.....	1
Fugitive Aliens	2
EPO 2.....	2
Authority	2
EPO 3.....	2
Case Priorities	2
EPO 4.....	2
Vehicle Stops	5
EPO 5.....	5
News Media	5
EPO 6.....	5
Interpol	6
EPO 7.....	6
Topic 1: Notification for INTERPOL	6
Topic 2: Notification to INTERPOL.....	6
Topic 3: Notification from INTERPOL	6
Juvenile Procedures.....	7
EPO 8.....	7
Topic 1: Flores v. Reno	7
Topic 2: Juvenile Protocol.....	7
Topic 3: Prosecutorial Discretion.....	8
Summary	9
Enabling Performance Objectives.....	9
Take Aways	9
Laboratory.....	9
Assessment.....	10
Resources	10
Handouts	10
Supplemental Resources	10
Application Materials	10
Approval Page.....	11

Introduction

PURPOSE OF COURSE

ICE Officers, given a field situation will identify, locate, and arrest a fugitive alien and will be able to perform their duties in accordance with the applicable laws, regulations, and service policy memorandums. These actions will conform to the policy that governs NFOP, found in Chapter 19 of the Detention and Removal Officer's Policy and Procedures Manual.

ENABLING PERFORMANCE OBJECTIVES

1. Identify the mission of the National Fugitive Operations Program.
2. Define an Immigration and Customs Enforcement (ICE) Fugitive Alien.
3. Identify the Immigration and Customs Enforcement (ICE) authority, to conduct Fugitive Operations.
4. Describe case priorities as explained in December 8, 2009, memorandum from Assistant Secretary Morton.
5. Discuss the Immigration and Customs Enforcement DDFM Chapter 19.3 II concerning vehicle stops.
6. Explain the proper procedure to deal with the news media.
7. Describe the proper protocol when working with the International Criminal Police Organization (INTERPOL).
8. Define the Immigration and Customs Enforcement (ICE) procedures when dealing with juveniles.

Introduction, Motivation, and Rapport

This course provides an overview on the procedures, regulations, and policies of the Immigration and Customs Enforcement NFOP, as per The Detention and Removal Officer's Policy and Procedures Manual, and Chapter 19.

NFOP

EPO 1

Identify the mission of the National Fugitive Operations Program

The mission of the National Fugitive Operations Program is to identify, locate, arrest, or otherwise reduce the ICE fugitive alien population in the United States.

The National Fugitive Operations Program is comprised of:

- The Headquarters Fugitive Operations Unit.
- The Fugitive Operations Support Center.
- Fugitive Operations Teams.
- DRO personnel that assist in the NFOP mission.

Fugitive Aliens

EPO 2

Define an Immigration Customs Enforcement (ICE) Fugitive Alien.

Immigration and Customs Enforcement has defined an “ICE Fugitive Alien” as:

An alien who has failed to depart the United States pursuant to a final order of removal, deportation or exclusion or who has failed to report to a DRO Officer after receiving notice to do so.

Part one translates to those cases in the following categories:

5b, 8e, 8i.

DRO has established a fugitive cold case docket that will be maintained by the FOSC. Please refer the Memorandum dated Sept 09, 2009, titled “Designation of Cold Case Fugitive Files and the Creation of a Fugitive Docket for the Fugitive Operations Support Center”

Any questions regarding what is defined as a “fugitive” for reporting procedures should be addressed to HQ-Fug Ops. The official title for individuals arrested who are not targeted fugitives is *non-fugitive*. The terms incidental and collateral are not to be used.

Emphasis that the cold case checklist must be completed in total and EARM updated accordingly prior to submission to the FOSC as a “cold case”.

(b)(7)(E)

Authority

EPO 3

Identify the Immigration and Customs Enforcement (ICE) authority to conduct Fugitive Operations.

Congress passed the landmark USA PATRIOT ACT. Pursuant to the war on terrorism, making the arrest of absconders, or fugitives, a priority, within the Department of Homeland Security. On February 25, 2002, the National Fugitive Operations Program (NFOP) was officially established under the auspices of the Office of Detention and Removal.

Immigration and Customs Enforcement derives its authority to conduct operations to identify, locate, arrest, and remove fugitive aliens from Section 287 of the INA.

The following also authorizes us to conduct such operations: Title 8 Code of Federal Regulations, M-69 Officers Manual Appendix 1-2, Title 8 US Code 1357 (a)(4).

Case Priority

EPO 4

Describe case priorities as explained in December 8, 2009, memorandum from Assistant Secretary Morton.

further the enforcement mission of U.S. Immigration and Customs Enforcement, the National Fugitive Operations Program FOTs will focus their resources, in order of priority, on the three tiers outlined below. Teams must focus the vast majority of resources, at least 70%, on tier 1 fugitives. The remainder should be directed to tiers 2 and 3.

Tier 1 Fugitive aliens

- I. Fugitives who pose a threat to national security
- II. Fugitives convicted of violent crimes or who otherwise pose a threat to the community
- III. Fugitives with a criminal conviction other than a violent crime
- IV. Fugitives with no criminal conviction

Tier 2 Previously removed aliens

- I. Previously removed aliens who pose a threat to national security
- II. Previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community
- III. Previously removed aliens with a criminal conviction other than a violent crime
- IV. Previously removed aliens with no criminal conviction

Tier 3 Removable aliens convicted of crimes

- I. Aliens convicted of level 1 offenses, as defined for purpose of Secure Communities
- II. Aliens convicted of level 2 offenses, as defined for purpose of Secure Communities
- III. Aliens convicted of level 3 offenses, as defined for purpose of Secure Communities

DRO will track fugitive arrests, by tier, using

(b)(7)(E) Arrests will be separated by tiers, criminal and non-criminal arrests, and indictments and convictions attributed to teams during operations.

(b)(7)(E)

Tier 3

Level 1 – Individuals who have been convicted of major drug offenses and violent offenses such as murder, manslaughter, rape, robbery, and kidnapping

Level 2 – Individuals who have been convicted of minor drug offenses and mainly property offenses such as burglary, larceny, fraud, and money laundering;

Level 3 – Individuals who have been convicted of other offenses

Vehicle Stops

EPO 5

Discuss the Immigration and Customs Enforcement DDFM Chapter 19.3 II concerning vehicle stops.

Under the DDFM Chapter 19.3 II Detention and Removal Operations personnel shall not engage in any vehicle pursuit.

Nothing precludes an officer who has been trained in vehicle stops at the Federal Law Enforcement Training Center from conducting a vehicle stop.

Service vehicles utilized to conduct stops must be equipped with the proper emergency lights and sirens, as prescribed for law enforcement vehicles by the state in which the vehicle is normally assigned.

News Media

EPO 6

Explain the proper procedure to interact with the news media.

Media communications relating to fugitive operations will be addressed to the Deputy Chief of Staff (DCOS) for ICE Office of Public Affairs (OPA), per policy memorandum dated January 23, 2007. There will be national interest cases that OPA deems to warrant maximum public disclosure regarding ICE operations. Some such incidents include:

- The heinous or extraordinary nature of a crime that requires public reassurance that the matter is being promptly and properly handled.
- The community needs to be told of an imminent threat to public safety.
- A request for public assistance or information is vital.
- There is an incident of national significance or major incident.

If necessary, the Director of Public Affairs will assign an OPA Communications Specialist to record non-criminal operations at the Field Office level.

Interpol

EPO 7

Describe the proper protocol when working with the International Criminal Police Organization (INTERPOL).

INTERPOL protocol is outlined in a memorandum from Acting Director Cerda, dated August 31, 2004.

Topic1: Notification for INTERPOL

Every effort must be made to notify INTERPOL when dealing with cases that involve:

- Criminal Convictions
- Criminal Record/History
- Likely to engage in criminal activity
- Gang Activity in more than one country

Topic 2: Notification to INTERPOL

The Green Notice Application Form is the preferred method of notifying INTERPOL. If the crime(s) of an individual are of a sexual nature, the green notice labeled "Operation Predator" will be submitted.

All other crimes will be notified using the Green Notice Labeled "Operation Community Shield".

Green Notice Applications should be submitted electronically to Interpol-U.S. National Central Bureau, U.S. Department of Justice, Washington, D.C, or IIQDRO, FUGOPS.

E-mail (b)(7)(E)

We are required to send Green Notices on all Op Predator cases. Make it a point that any Op Predator cases arrested via Fug Ops are identified as such for the proper notifications upon removal.

A copy of the subject's fingerprints and photograph should be submitted with the appropriate Green Notice.

Topic 3: Notification from INTERPOL

INTERPOL may request help with international fugitives. The request may come via a Foreign Alien Request (FAR) notice. This notice requests suspects being deported as opposed to being extradited to the requesting country. Typically it is easier for the Foreign Government to request the administrative deportation than trying to get a U.S. Court to hear the case for extradition

Juvenile Procedures

EPO 8

Define the Immigration Customs Enforcement (ICE) procedures when juveniles are encountered.

Topic 1: Flores v. Reno

In 1997, the Immigration and Naturalization Service (INS) entered in agreement to formalize principles governing the treatment of juveniles in custody. This agreement transferred over when Immigration and Customs Enforcement (ICE) was created.

Juvenile procedures are outlined in Policy Memos dated 04/17/08, 10/01/07, and 08/24/07.

The Flores v. Reno agreement states:

- A juvenile is a person under 18 years of age.
- A person emancipated by a state court OR convicted and incarcerated for a criminal offense as an adult are NOT considered juveniles.
- If a reasonable person would conclude that an individual claiming to be a juvenile is really an adult, the person shall be treated as an adult for all purposes, including confinement and release on bond or recognizance.
- All juveniles should be treated with dignity, respect, and special concern for their particular vulnerability.
- Juvenile aliens must be placed in the least restrictive setting appropriate to their age and special needs, provided the setting is consistent with being able to ensure the juvenile's timely appearance in court and to protect his or her well-being and that of others.

ICE Officers are not required to release juveniles from custody to a person or agency if the officer feels that the agency or person may harm, neglect, or fail to present the juvenile before ICE or the Immigration Court when requested

Topic 2: Juvenile Protocol

As a member of a Fugitive Operations Team, you should make every effort to ascertain information of the possibility of encountering juveniles, before conducting an operation.

When juveniles are encountered during operations, Fugitive Operations Teams will follow the Flores v. Reno Agreement, and current policy and procedures.

If an individual is found to be a juvenile, the Fugitive Operations Team will adhere to:

Director John P. Torres, Memorandum, Aug. 24, 2007, "Juveniles Encountered During Fugitive Operations".

Director John P. Torres, Memorandum, Oct. 1, 2007, "Protocols and Handling unaccompanied Children".

- If an unaccompanied alien juvenile is encountered, the FOT should contact the Field Office Juvenile Coordinator (FOJC).
- If the FOT encounters a fugitive alien responsible for the custody of a USC/LPR juvenile, you must coordinate the transfer of the juvenile (in this order).
- Contact the nearest welfare authority. If they cannot respond or assist you must document the FOT request to the welfare authority and then contact local law enforcement. If they cannot respond or assist document the FOT request and transfer, at the fugitive alien's request, the juvenile to a verifiable third party.

Memorandum Aug. 24, 2007

NOTE: The transfer of a juvenile to a third party will be documented using the Transportation Consent Form.

Attached to Memorandum
Aug. 24, 2007

Topic 3: Prosecutorial Discretion

Officers must keep in mind prosecutorial discretion authority when dealing with juveniles. Assistant Secretary Julie L. Myers, Memorandum Nov. 7, 2007, "Prosecutorial and Custody Discretion" when dealing with juveniles. In exigent circumstances when all of the above options are unavailable, it is recommended that Alternative to Detention Programs be considered.

Reference Commissioner
Doris Meisner, Memorandum
Nov. 7, 2000, "Exercising
Prosecutorial Discretion".

Additionally, in accordance with (b)(7)(C), (b)(6) Memorandum, Nov. 7, 2007, "Prosecutorial and Custody Discretion" nursing mothers should be released on an order of recognizance, with considerations of alternative to detention, in the absence of any threat to national security or a threat to the community.

Summary

The mission of the National Fugitive Operations Program is to identify, locate, arrest, or otherwise reduce the ICE fugitive alien population in the United States. A thorough knowledge of ICE authorities, policies and procedures for conducting Fugitive Operations will contribute to the efficiency and mission goals.

ENABLING PERFORMANCE OBJECTIVES

1. Identify the mission of the National Fugitive Operations Program
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8. Define the Immigration and Customs Enforcement (ICE) procedures when dealing with juveniles.

TAKE AWAYS

DRO personnel will be familiar NFOP.

DRO personnel are responsible to keeping up to date on policy changes.

LABORATORY

None

Assessment

None

Resources

HANDOUTS

None

SUPPLEMENTAL RESOURCES

- ICE Intranet
Detention and Removal Operations Policy and Procedure
Manual (DROPPM) available at

(b)(7)(E)

APPLICATION MATERIALS

None

Approval Page

Approved by:

Section Chief, Division	Date
Unit Chief	Date
Director, Office of Training and Development	Date
Division Representative (DRO, OI, OPR, INTEL, FPS)	Date

The signature of the Division Representative, but if present indicates that the content presented in this lesson plan is accurate.

Operational Planning

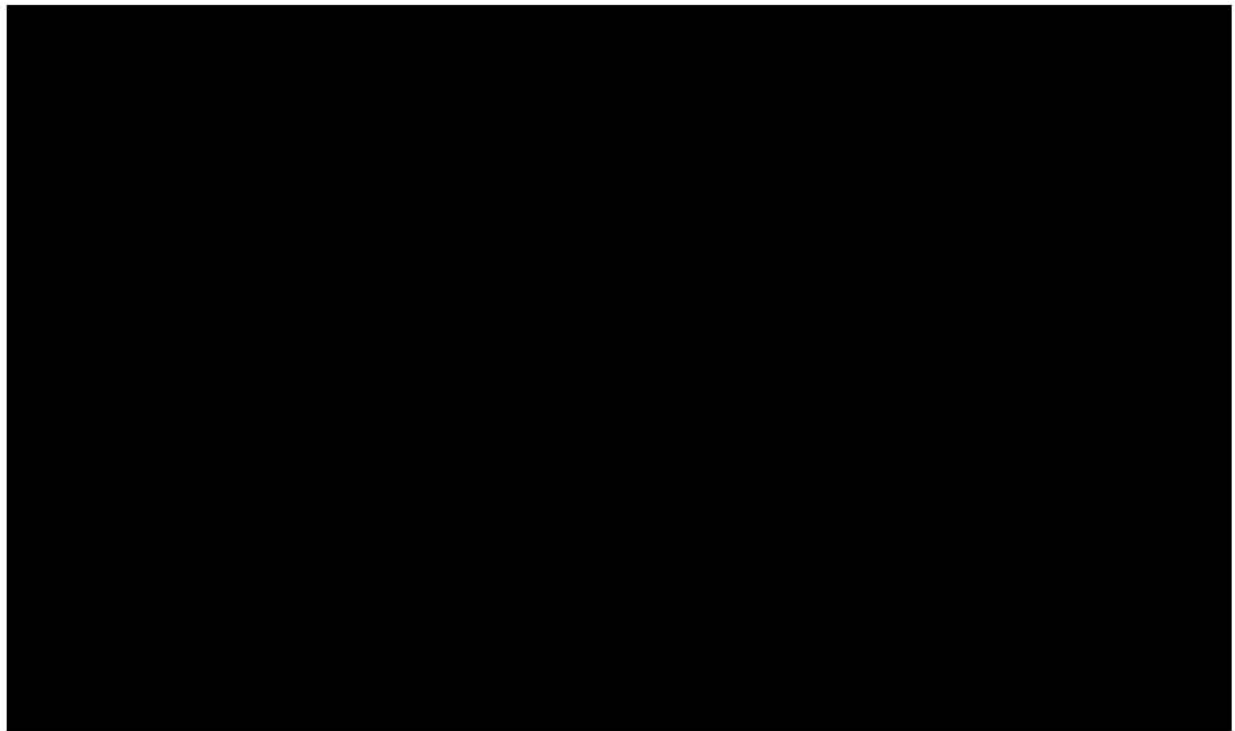
Detention and Removal Operations Training
Division

DRO7070.02

March 2010



**U.S. Immigration
and Customs
Enforcement**



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Lesson Plan Overview					
Course Title		Operational Planning			
Course Number		DRO7070.02			
Course Duration		2 hours			
Lecture Time	Lab Time	PE/Exam Time	Total Time	Programs	Applicable Portions
2 Hours			2 Hours	ICE -FOTP	All
Course Description		This course provides an overview of the Operations Planning process; fundamental principles of an operations order and execution of a large scale fugitive operation.			
Terminal Performance Objective (TPO)		Given a scenario involving a field driven operation directed by the Field Office Director, the student will demonstrate proper planning in preparation for a large-scale fugitive operation, according to ICE DRO policy.			
Enabling Performance Objectives (EPO)		1. Identify the phases/steps in preparation and planning required to prepare for a fugitive operation. 2. Identify the necessary contacts and notifications that must be completed prior to conducting an operation. 3. Identify the components of an operations order.			
Instructional Methods		• Lecture • Discussion • Demonstration			

Lesson Plan Overview	
Method of Evaluation	Instructor will gauge student responses and interaction during classroom discussion. Students will utilize information presented at lecture during FOTP practical exercise.
Classroom Requirements	Group classroom (6 table groups with instructor station including computer, projector, and screen)
Instructor Materials/ Resources	- Instructor Guide - Presentation Slides
Student Materials/ Resources	Participant Workbook for each student
Instructor Special Requirements	None
Student Special Requirements	None
Role-Players	None

Curriculum Development and Review Team

Developed by:

Date

(b)(6),(b)(7)(C) CDI, DRO Advanced

September 2008

Revised by:

Date

(b)(6),(b)(7)(C) CDI, DRO Advanced Training

March 2010

Summary of revisions:

Added HQ Cross Check Operational Plan

Reviewed by:

Date

(b)(6),(b)(7)(C) Branch Chief Specialties, ICE Academy

March 2010

(b)(6),(b)(7)(C) Section Chief, ICE Academy

March 2010

Table of Contents

Introduction.....	1
PURPOSE OF COURSE	1
ENABLING PERFORMANCE OBJECTIVES	1
Pre-Operations Planning	1
EPO 1.....	1
Topic 1: Target Identification	1
Topic 2: Conduct Liaison.....	2
Pre-Operations Steps.....	2
EPO 2.....	2
Topic 1: Identify Personnel Resources.....	3
Topic 2: Identify Required Equipment.....	3
Topic 3: Surveillance	4
Routes of travel should be driven in advance prevent unnecessary delays.....	4
Operations Plan.....	4
EPO 3:.....	4
Identify the components of an Operations order	4
Topic 1: Operations Plan	4
Topic 2: Administration and Logistics.....	5
Topic 3: Command and Control.....	5
Topic 4: Execution of the Operation.....	6
Topic 5: Post Operation	6
Summary	6
Enabling Performance Objectives.....	7
Assessment.....	8
None.....	8
Resources	8
Handouts/HQ Operational Plan.....	8
Approval Page.....	16

Introduction

PURPOSE OF COURSE

In order to best utilize Fugitive Operation Teams and Detention and Removal Operations personnel it is necessary to take a systematic approach to operations planning. Given a scenario involving a local mandate from the Field Office Director, the student will demonstrate proper planning in preparation for a large-scale fugitive operation, according to ICE DRO policy.

ENABLING PERFORMANCE OBJECTIVES

1. Identify the phases/steps in preparation and planning required to prepare for a fugitive operation.
2. Identify the necessary contacts and notifications that must be completed prior to conducting an operation.
3. Identify the components of an Operations order.

Pre-Operations Planning

EPO 1

Identify the phases/steps required to prepare for a fugitive operation.

Topic 1: Target Identification

The first step in planning an enforcement operation is identifying the target of the operation, or setting parameters for selecting targets.

After thorough investigation and surveillance, you can narrow the list of targets to maximize results. Teams should consider using the Fugitive Operations Support Center (FOSC) as a resource for identifying targets.

A target list with all the necessary information needs to be sent to Headquarter for vetting. This information should contain target priority, criminal, fugitive etc.

Topic 2: Conduct Liaison

NFOP policy requires local law enforcement be notified prior to conducting operations. Local law enforcement can be a tremendous asset while performing enforcement activities. Notifying local law enforcement can serve to expand our knowledge of facts, identify leads, and prevent potential problems. Some law enforcement agencies are also willing to assist with the operation.

Use sector to help notify local police departments, assist with safety checks, and deconfliction.

Notification should be made within your local office. The detained unit should be notified to ascertain availability of bed space. The field office juvenile coordinator should be notified if a juvenile is identified as a target or in the event a juvenile is encountered.

SECTOR
1-800-X-sector. Remind the students of the capabilities of SECTOR and that they are there to support the mission of the NFOP.

Remember some Local Agencies are prohibited from providing assistance to ICE

Pre-Operations Steps

EPO 2

Identify the necessary contacts and notifications that must be completed prior to conducting an operation.

Topic 1: Identify Personnel Resources

The scope of your operation will be contingent upon the number of available officers and support personnel. Team leaders should be identified. Team leaders should be journeyman officers with fugitive operations experience. Other team assignments may be rotated; however, they should be clearly identified prior to the operation.

Assistance of other law enforcement assets should be requested well in advance of the operation. Further, enhanced cooperation among agencies serves to foster mutually beneficial law enforcement partnerships and liaison.

Clerical staff can be utilized to conduct record checks, create work files, and make other necessary preparations. They may also be utilized for record checks and notifications during the execution of the operation.

It is a good strategy to designate a transportation unit. Officers on this team should have Commercial Driver's Licenses (CDL). Staging areas should be arranged prior to the execution of the operation.

Topic 2: Identify Required Equipment

All standard issue equipment required should be identified. Officers participating in the operation should be notified of all required equipment well in advance to avoid any delays the day of the operation. The location for alien processing should be identified and all required processing equipment should be taken to the processing location and checked for functionality in advance.

Required equipment, such as vehicles (unmarked for surveillance, buses), communications devices (radios, cell phones), tactical equipment (flashlights, shotguns, rifles) should be identified.

Topic 3: Surveillance

Surveillance should be conducted on all locations where the proposed enforcement activity will occur. **If both work and residence addresses are known, surveillance should be conducted at both.**

In order to prevent conflicts, officers are required by policy to perform an (b)(7)(E) prior to conducting surveillance. Each officer should have ROI's or G-166c for taking notes during surveillance. This will prevent overlooked aspects of surveillance, maintain a uniform procedure for collecting intelligence, and prevent duplication of effort. Emergency medical facilities should have their routes identified, should the need arise while the operation is ongoing.

Routes of travel should be driven in advance prevent unnecessary delays.

Operations Plan

EPO 3:

Identify the components of an Operations order

Topic 1: Operations Plan

An operation order must be prepared if more than nine (9) arrests are anticipated. Operation orders must be submitted to the NFOP two weeks prior to the planned operation.

Operation orders utilize the following format:

1. Situation
2. Brief synopsis of the operation
3. Paragraph describing the mission and goals
4. Execution
5. Specifies how the mission will be carried out
6. Team assignments and duties designated

Reporting requirements and notification requirements are listed, as well as the officer designated to make notifications to Emergency Medical Services (EMS) in the local area.

Topic 2: Administration and Logistics

Identify processing areas, detention facilities, and processing responsibilities.

Case officers and team leaders should have vehicle assignments and equipment designated for team members. Identify who will be responsible for requesting travel documents (TD). Officers should be made aware of the need to secure all documents and identification to facilitate the removal of fugitives.

Lodging arrangements, if necessary, should be identified and OPSEC and common sense should be used when arranging for groups of officers to stay in the local AOR. Individuals working at these hotels may be sympathetic to their cause and not have our best interest at heart. By housing officers at several different locations and obtaining rental vehicles from several different vendors will maintain some operational security.

Use caution not to alert the general public that ICE is planning an operation; news may travel quickly about ICE presence.

Topic 3: Command and Control

The hierarchy of command is the line of authority and responsibility along which orders are passed. It designates authority and responsibilities in the event of an emergency.

Specify command structure, i.e.; FOD, AFOD, SDDO, Case Officers

Radio communication abilities should be addressed. A roster of officers with their telephone numbers should be included, as well as other important numbers, and possibly any medical conditions or blood type.

A briefing should be conducted prior to the operation at a designated meet site with all personnel involved. Any other law enforcement personnel who will be assisting should attend when possible.

The Operations plan should be discussed with all personnel during the briefing. The FOW(s) should include the identification and photograph of target, operation order, copies of field office work plans, team assignments, and contact information for all officers.

Topic 4: Execution of the Operation

Update target lists as arrests are made or cases closed. Officer safety is paramount. Non-fugitive arrests may occur during the execution of the Operations plan.

Discuss the use of clerical staff at office to conduct record checks during operations

For small or daily operations the use of LESC or SECTOR is acceptable to run checks for non-fugitives. However, for larger or more complex operations the use of officers not assigned to arrest operations, officers on limited duty, or other specifically trained personnel should be used to run these checks.

Topic 5: Post Operation

After action briefings should take place at the conclusion of the operation. Focus on lessons learned to improve future operations. Aliens should be processed and criminal cases presented to AUSA. Custody recommendations may be required and juveniles should be a priority during alien processing. A final target list must be compiled and sent to Headquarters National Fugitive Operations Program. It should contain all subjects' arrested and cases closed. Arrests should specify whether the subjects arrested were specified targets or non-fugitive arrests. The report should also specify whether the subjects arrested are criminal fugitives, fugitives, criminal non-fugitives, or non criminal non-fugitives. Significant Event Notifications (SEN) should be completed and promptly forwarded to headquarters.

Summary

The primary mission of the National Fugitive Operations Program is to identify, locate, arrest, process and remove fugitive aliens from the United States, with the highest priority placed on those who have been convicted of crimes. In order to meet their established goals it is necessary to employ a variety of methods, techniques and strategies. One strategy requires each FOT to plan two multi-regional operations per year targeting a minimum of 250 ICE fugitives, 80% of those being criminals.

It is necessary to take a systematic approach to Operations planning. Police field operations are inherently dangerous. Officer safety is paramount, and with proper planning and coordination we can increase the chance of a safe and successful

operation.

Ensure that you do a thorough brief both before and after operations.

Enabling Performance Objectives

Now that you have completed this course you should be able to:

1. Identify the phases/steps in preparation and planning required to prepare for a fugitive operation.
2. Identify the necessary contacts and notifications that must be completed prior to conducting an operation.
3. Identify the components of an Operations order.

Assessment	
<u>None</u>	
Resources	
<u>Handouts/HQ Operational Plan</u>	
☐ Student Guide	

Sources of Information

Detention and Removal Operations Training
Division

Lesson Plan

DRO6030.02

October 2009



**U.S. Immigration
and Customs
Enforcement**

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Lesson Plan Overview

Course Title		Sources of Information			
Course Number		6030.02			
Course Duration		1 hour ALERT-D, 2 hours DRATP, 5 hours FOTP			
Lecture Time	Lab Time	PE/Exam Time	Total Time	Programs	Applicable Portions
1 hour 2 hours 5 hours			1 hour 2 hours 5 hours	ALERT-D DRATP FOTP	EPO 1-4 EPO 1-6 All EPO's
Course Description		This course is a discussion of various sources of information important to DRO personnel. The student will access and utilize the DHS Intranet to review ICE policy guidelines, the Deportation Officers Policy and Procedures Manual (DROPPM), memorandums, approved templates, and forms.			
Terminal Performance Objective (TPO)		Given field situations requiring information pertinent to the administration of the INA, the Officer will be able to locate and use sources of information to aid in the performance of official duties.			
Enabling Performance Objectives (EPO)		1. Identify and utilize the ICE Intranet 2. Identify and utilize information in ICE DRO Intranet 3. Identify and utilize information in DRO Policy and Procedure Manual (DROPPM) 4. Identify and utilize information in DRO Policy Memoranda 5. Identify and access various ICE based computer systems to retrieve investigative leads. 6. Identify and access non-ICE computer systems to retrieve investigative leads. 7. Utilize database systems to work case files. 8. Identify and Utilize components of FCMS. 9. Demonstrate the use of the ICE computer network to prepare case work for a work folder for field operations.			
Instructional Methods		• Lecture • Discussion • Demonstration			
Method of Evaluation		None			
Instructor Materials/ Resources		Instructor Guide			

Lesson Plan Overview

Classroom Requirements	Computer Lab with internet and DHS Intranet connectivity seats and instructor station with projection Group classroom; 6 table groups with instructor station including computer, projector, and screen
Student Materials/ Resources	Participant Workbook for each student
Instructor Special Requirements	None
Student Special Requirements	None
Role-Players	None

Curriculum Development and Review Team

Developed by:**Date**

(b)(6),(b)(7)(C) Course Developer/Instructor, Detention and Removal
Advanced Training

December 2008

Revised by:**Date**

(b)(6),(b)(7)(C)

December 2008

Summary of revisions: Consolidated LP's (SOI and SDS) into one LP. This LP will be used by 3 Advanced Training Section Programs.

Reviewed by:**Date**

(b)(6),(b)(7)(C) Branch Chief, Detention and Removal Operations

December 2008
October 2009

Table of Contents

Introduction	6
Purpose of Course.....	6
Enabling Performance Objectives.....	6
Identify the ICE Intranet.....	6
EPO 1	6
Topic 1: Introduction, Motivation, and Rapport	7
Topic 2: Overview of the DIIS Intranet	7
Topic 3: ICE Branding Resources	7
ICE DRO Intranet.....	8
EPO 2.....	8
Identify and utilize information in ICE DRO Intranet.....	8
Topic 1: ICE DRO webpage overview.....	8
Topic 2: Removal Management Division.....	8
DRO Policy and Procedure Manual (DROPPM).....	10
EPO 3.....	10
Identify and utilize information in DRO Policy and Procedure Manual (DROPPM)	10
DRO Policy Memoranda.....	10
EPO 4.....	10
Identify and utilize information in DRO Policy Memoranda.....	10
Searching Systems.....	10
EPO 5.....	10
Topic 1: Central Index System	11
Topic 2: EARM	11
Topic 3: Computer Linked Application Information Management System	12
Topic 4: Refugee, Asylum and Parole System	12
Topic 5:	12
Topic 6:	12
Topic 7:	12
Topic 8:	12
Topic 9: Student Exchange Visitor System	13
Topic 10: Arrival Departure Information System	13
Topic 11: Treasury Enforcement Communication System	13
Topic 12: Bond Maintenance Information System.....	13
Topic 13: Automatic Fingerprint Identification System.....	13
Topic 14: Net Leads Analysis System.....	14
Topic 15: National Crime Information System	14
Topic 16: USPS website.....	14
Topic 17: US Bureau of Prisons website.....	14
EPO 6.....	15
Identify and access non-ICE computer systems to retrieve	15
investigative leads.	15
Topic 2: Accurint	15
Topic 3: Correctional Systems	15

Topic 4: National Insurance Crime Bureau	15
Topic 5: Department of Motor Vehicles	15
Topic 6: Open Source Intelligence	15
EPO 7	16
Utilize database systems to work case files	16
Topic 1: System Matrix	16
Topic 2: Field Operations Worksheet.....	16
EPO 8	16
Identify and Utilize components of FCMS.....	16
Topic 1: The categories in FCMS	16
Topic 2: How to change case categories within FCMS.....	16
EPO 9	17
Demonstrate the use of the ICE computer network to.....	17
prepare a work folder for field operations	17
Topic 1: Forms and documents	17
Summary	17
Enabling Performance Objectives.....	18
Take Aways	18
Laboratory	18
Assessment.....	21
Resources	22
Handouts	22
Supplemental Resources	22
Application Materials	22
Approval Page.....	Error! Bookmark not defined.

Introduction

PURPOSE OF COURSE

Knowledge of how to properly use reference material available to Deportation Officers and Deportation and Removal Assistants results in a more effective and efficient ICE operation. Many officers are unaware of the information available in the ICE and DRO Intranet.

The classroom instruction will focus on the most commonly used intranet and internet pages. Officers will be encouraged to explore the different resources available in the ICE Intranet.

Because federal agencies are continuously expanding their online presence, often the most expeditious way to obtain information is by utilizing the internet.

ENABLING PERFORMANCE OBJECTIVES

1. Identify and utilize the ICE Intranet
2. Identify and utilize information in ICE DRO Intranet
3. Identify and utilize information in DRO Policy and Procedure Manual (DROPPM)
4. Identify and utilize information in DRO Policy Memoranda
5. Identify and access various ICE based computer systems to retrieve investigative leads.
6. Identify a fugitive alien.
7. Identify and access non-ICE computer systems to retrieve investigative leads.
8. Utilize database systems to work case files.
9. Identify and Utilize components of FCMS.
10. Demonstrate the use of the ICE computer network to prepare case work for a work folder for field operations.

Identify the ICE Intranet

EPO 1

Identify and utilize the ICE Intranet

Topic 1: Introduction, Motivation, and Rapport

Introduction, Motivation, and Rapport

Proper use of reference material reduces the amount of time required to process a case and results in a more uniform application of the law and service policy.

It is easier to know where to find information than it is to remember it. Policies are constantly changing and it is impractical to try to remember them.

Knowing the source of the information prevents an officer from processing a case incorrectly because they relied on hearsay or unfounded opinion.

Topic 2: Overview of the DHS Intranet

The ICE Intranet Homepage is a convenient source of information regarding current news and policies affecting ICE components. The webpage is intranet based and can not be accessed by the public.

- These links are the most efficient way to connect to the appropriate intranet page. Intranet pages for ICE components can be accessed by using the links on the left of the page.
- Information can also be found using the search feature at the top right of the page.
- Because it is an internal database, outside search engines can not be used.

The ICE Intranet homepage should be checked on a regular basis to see if there have been any organizational or policy changes that could affect DRO or the officer.

- Links can become inactive without notice.
- Commonly used forms should be copied to the officer's computer in case the online file becomes unavailable.

Topic 3: ICE Branding Resources

ICE Branding Resources such as logos, letterheads, and memo formats can be accessed by clicking on the Public Affairs link on the left of the homepage.

After arriving at the Public Affairs webpage, click on the link for Branding Resources on the left side of the page.

In the Branding Resources webpage the officer will find approved formats for use of the DHS brand.

ICE DRO Intranet

EPO 2

Identify and utilize information in ICE DRO Intranet

The ICE DRO page can be accessed from the ICE Intranet Homepage.

Click on the Operations button on the left portion of the page. At the Operations page, select Detention and Removal Operations.

Because the ICE DRO webpage will be the primary page used, it is recommended that it is bookmarked for faster access.

Topic 1: ICE DRO webpage overview

On the ICE DRO webpage provides links to the following pages:

- HQ DRO components can be accessed.
- Deportation Officers Policy and Procedure Manual
- Detention Standards
- DRO policy
- Travel guide
- I-Link
- ICE Charter
- JPATS schedule

Even though officers will not use all of the WebPages, they should become familiar with the different pages available for future reference.

Topic 2: Removal Management Division

This webpage contains the links for the Case Management Unit (CMU) and Travel Document Unit (TDU)

The ICE Custody Management Unit webpage provides the forms needed to process detained aliens. These forms are usually not available in Enforce.

- Officers should familiarize themselves with the available forms in this section. Many forms are not used because officers are unaware they exist.
- The forms are in both PDF and Word formats.
- The forms should be checked regularly to find if there have been any updates.
- Officers should use the forms provided in this section instead of creating their own format. This insures consistency and legal sufficiency.

The ICE Travel Document Unit gives information regarding changes in policy regarding the application for travel documents and removal guidelines.

- There are special procedures for countries for which it is difficult to obtain travel documents. It is important to follow these guidelines.
- Some countries require direct coordination with HQTDU because of the difficulty in obtaining travel documents.
- Removals to certain countries are carried out using JPATS and must also be coordinated through HQ.
- The link titled "Travel Document Information" is provided so the officer will know the contact information for the consulate of a country.
- The Travel Document Information link provides travel document applications for countries that have requested additional forms for alien information.
- The documentation needed for a travel document request often changes and the officer should check the accuracy of the guide before sending the travel document request.
- As officers become familiar with which consulates they deal with the most, they should document the changes and distribute the information to their colleagues.

The ICE Bond Management Unit webpage is found under the section for the Compliance Enforcement Division.

- It provides information on policy and procedures for processing bonds.
- Updates on bond procedures should be checked regularly for changes.
- Forms relating to bond processing are available for download.

DRO Policy and Procedure Manual (DROPPM)

EPO 3

Identify and utilize information in DRO Policy and Procedure Manual (DROPPM)

The DROPPM can be access from the ICE DRO webpage.

- Click on the link “DRO PPM”, this will access the manual.
- The chapter listings are links and will take the officer directly to that section.

The DROPPM provides information regarding the processing of aliens, personnel guidelines and the policy standards that must be met.

- The DROPPM is written in an easy to understand writing style.
- Officers are responsible for meeting the standards outlined in the DROPPM. It is important that the officer become familiar with the information of the DROPPM.

DRO Policy Memoranda

EPO 4

Identify and utilize information in DRO Policy Memoranda

ICE policies are constantly changing and this information is distributed using policy memoranda. ICE Policy Memoranda can be found online in the DRO Intranet.

- From the ICE DRO webpage, access the DRO Policy
- The Policy Memoranda is listed in order of date of issue and referred to by the title of the memo.
- Access the memo by clicking on the title of the memoranda.
- Memoranda dating back to 3/31/1997 are stored here and saves the DRO office the trouble of storing hard copies of the memoranda.

Searching Systems

EPO 5

Identify and access various ICE based computer systems to retrieve investigative leads.

Utilizing ICE system checks is a basic primary investigative tool. The existence of any court actions pending before the Immigration Court and United States District Courts could affect the ability to remove an alien.

Topic1: Central Index System

CIS contains basic information contained in an "A" file. Searching CIS for the existence of a record will provide information about a previously existing "A" File under the subject's name, as well as the subject's current immigration status. Queries can be performed utilizing a variety of means, including aliases, social security numbers, passport numbers, naturalization certificate numbers, I-94 numbers, FBI numbers and driver's license information. The more information that is placed in CIS when the file is created directly equates to the ease in which the information will be found when conducting a record query.

In addition, information from other systems interfaces with CIS. This provides additional information regarding a subject in question, for example, CARD-X, NAILS-X, EADS-X, etc. These codes provide the officer with information regarding whether the individual is in removal proceedings (EARM), whether there has been an Employment Authorization Card issued (EAD, I-765), or whether the individual is the subject of an immigration lookout (NAILS). Once the "A" number has been obtained, CIS allows the user to acquire the history of that card, i.e., duplicate cards made, apprehensions, visa processing, etc. CIS will also allow the user to view the card display, which shows the information that should be on the back of the card.

Topic 2: EARM

EARM provides information on the status and disposition of cases in removal proceedings. EARM contains data regarding aliens in removal proceedings; is used to track aliens who are arrested, detained or formally removed from the United States; and produces reports. EARM also contains a search function, allowing searches using number codes (9101, 9222, etc), an individual's name or "A" number. The name must be exact when using the name search function in EARM for example, Martinez-Lopez not Martinez Lopez or Martinez.

Topic 3: Computer Linked Application Information Management System

CLAIMS is an application processing system that provides information regarding the receipt, adjudication, and notification processes for applicants and petitioners of Citizenship and Immigration Services benefits. Such benefits include:

Employment Authorization Documents, Permanent Residency, Applications for Permission to Reenter after Removal etc.

- a. who obtained conditional residence
- b. fail to file or did file for removal of conditional

Topic 4: Refugee, Asylum and Parole System

- Asylum application
- Address information
- Pending status

(b)(7)(E)

(b)(7)(E)

Topic 12: Bond Maintenance Information System

- obligor information
- general bond information

Topic 13: Automatic Fingerprint Identification System

- submit classifiable prints
- biographical information/Aka's

Topic 14: Net Leads Analysis System

- criminal information
- smuggling information

Topic 15: National Crime Information System

- Criminal history RAP sheet
- FBI number
- Probation and parole
- ORI/law enforcement department information

Topic 16: USPS website

The U.S. Postal Service (USPS) website is www.usps.com. It can be used to verify addresses and to document the receipt of tracked packages.

Using the website to verify and address is important when taking bonds from aliens. Using the “FIND A ZIP CODE” tab at the top of the home page, an address can be inputted and will show whether or not the USPS recognizes the address and what the zip code is.

This feature will also show if the address belongs to an apartment/condominium complex. If only the street address is provided, the website will return multiple results indicating a series of housing numbers.

The USPS website can be used to determine if the alien or obligor is providing a fake address (bonds, ATD, Orders of Supervision). Unless the housing complex is new and the USPS has not updated the website, the address should be in the database.

Topic 17: US Bureau of Prisons website

The US Bureau of Prisons (BOP) website is www.bop.gov.

The website provides the address and contact information for all federal prisons. This feature is accessed using the links on the top of the webpage.

The inmate locator link shows where a federal prisoner is being held. The information can be searched using the alien's name, A-number, US Marshals number (register number), FBI number, DC Jail number. The most dependable way is to use the US Marshals number because the other numbers might not be cross referenced in their system.

The BOP website can be useful to determine the alien's location and anticipated release date.

Federal prisoners can be held in any BOP location, regardless of where they were convicted. The alien's file should follow the alien to the appropriate field office.

Contact the appropriate BOP facility to verify the website information before taking action on the alien's case (placing detainers, transferring the file, etc.).

Federal prisoners not in BOP facilities (local jails) will not found using this website. The US Marshals should be contacted directly.

EPO 6

Identify and access non-ICE computer systems to retrieve investigative leads.

Topic 2: Accurint

- database information is extracted from top three credit bureaus
- residence/neighbors
- social security numbers associated with name and employment phone numbers
- links with Justice Exchange

Topic 3: Correctional Systems

- city, county, state
- visitor and phone logs
- disciplinary and conduct infractions

Topic 4: National Insurance Crime Bureau

- criminal investigation
- insurance fraud

Topic 5: Department of Motor Vehicles

- driver's license or state ID card issuance
- vehicle registration information
- insurance information

Topic 6: Open Source Intelligence

- Internet access systems
- ZABASEARCH.com
- whitepages.com
- intelius.com

EPO 7**Utilize database systems to work case files.****Topic 1: System Matrix**

The matrix serves as a reference guide to systems and databases to develop investigative leads.

This matrix should be revisited periodically when leads are exhausted while attempting to locate a fugitive. The MATRIX is a systemic and methodical approach to processing Fugitive cases in a particular AOR. Basically a starting point and an ending point for officers and agents to follow. A rough outline of checks that must be conducted and the order in which they should be conducted.

Topic 2: Field Operations Worksheet

The Field Operation Worksheet (FOW) is a form that should be used for all arrest operations. It contains various informational sections for the target alien, case officer, arrest team and operational notes. The FOW also has an area for signature for both SDDO, and the FOD or his/her designee.

The information for target alien includes biographical and historical data, along with a recent picture if available. The information for the arrest team will include phone numbers, vehicle assignments, position within the team and schedule of targets and addresses. Also included are maps and phone number for nearest trauma center and non emergency phone numbers for local the police.

EPO 8**Identify and Utilize components of FCMS****Topic 1: The categories in FCMS**

There are several categories of cases and functions within FCMS, in the future (b)(7)(E) will be linked to FCMS 1.2 and it will populate most of the biographical data and there will be no duplication of work.

Topic 2: How to change case categories within FCMS.

Case categories are changed after subject has been granted a benefit or is an absconder. Depending HQNFOP guidance case categories may stay as absconders ever after arrest.

EPO 9**Demonstrate the use of the ICE computer network to prepare a work folder for field operations****Topic 1: Forms and documents**

The forms that are required are varied. The first one needed is the FOW, followed by I-213, G-166 for notes, and any locally produce forms to track officer work product and timelines.

The documents that are required should be placed in work folder in a chronological order starting with I-205 and any outstanding warrants from other agencies, followed by NCIC printouts, conviction docs; if needed, Criminal and Immigration history, any benefits that could have been granted in the past for addresses and known associates. Accurint printouts, any open source intelligence that was found for address; i.e. Google Earth, Google Maps, MapQuest etc.

Summary

Knowledge of how to properly use reference material available to Deportation Officers and Deportation and Removal Assistants results in a more effective and efficient ICE operation. Many officers are unaware of the information available in the ICE Intranet.

Proper use of reference material reduces the amount of time required to process a case and results in a more uniform application of the law and service policy.

It is easier to know where to find information than it is to remember it. Policies are constantly changing and it is impractical to try to remember them.

Knowing the source of the information prevents an officer from processing a case incorrectly because they relied on hearsay or unfounded opinion.

ENABLING PERFORMANCE OBJECTIVES

1. Identify and utilize the ICE Intranet
2. Identify and utilize information in ICE DRO Intranet
3. Identify and utilize information in DRO Policy and Procedure Manual (DROPPM)
4. Identify and utilize information in DRO Policy Memoranda
5. Identify and access various ICE based computer systems to retrieve investigative leads.
6. Identify a fugitive alien.
7. Identify and access non-ICE computer systems to retrieve investigative leads.
8. Utilize database systems to work case files.
9. Identify and Utilize components of FCMS.
10. Demonstrate the use of the ICE computer network to prepare case work for a work folder for field operations.

TAKE AWAYS

DRO personnel will be familiar with the online resources available to them.

DRO personnel are responsible to keeping up to date on policy changes.

Provide DRO personnel with the means to obtain the latest version of forms.

LABORATORY

2 hours of lab for NFOP, none for other programs

Case preparation

FOT personnel will:

(b)(7)(E)

v. Compile a “target” folder containing the investigative information needed to locate and arrest an NFOP target. Barring exigent circumstances, do not take an A-file into the field. Target folders will contain copies of the following documents as they relate to the NFOP case:

- Signed Field Operations Worksheet (FOW)
- Signed Form I-205 (Warrant of Deportation/Removal)
- Final Order and Board of Immigration Appeals (BIA) Decisions
- Judicial decisions on removal
- Photographs
- Information about family members and known associates
- Fingerprint card
- Initial and subsequent I-213s (Record of Deportable Alien)
- Benefit applications (I-130, G-325A, I-485, etc.)
- Wanted poster
- Public record database queries
- Mandatory database checks (may be noted on FOW)
- Employment Information
- G-166C (Memorandum of Investigation)
- Miscellaneous information, e.g., driver’s license, vehicle registration, firearm registration, passport, travel documents, Social Security card, etc.

Assessment

None

Resources

HANDOUTS

None

SUPPLEMENTAL RESOURCES

- ICE Intranet
- Detention and Removal Operations Policy and Procedure Manual (DROPPM) available at

(b)(7)(E)

- www.usps.com
- www.bop.gov

APPLICATION MATERIALS

None

Surveillance

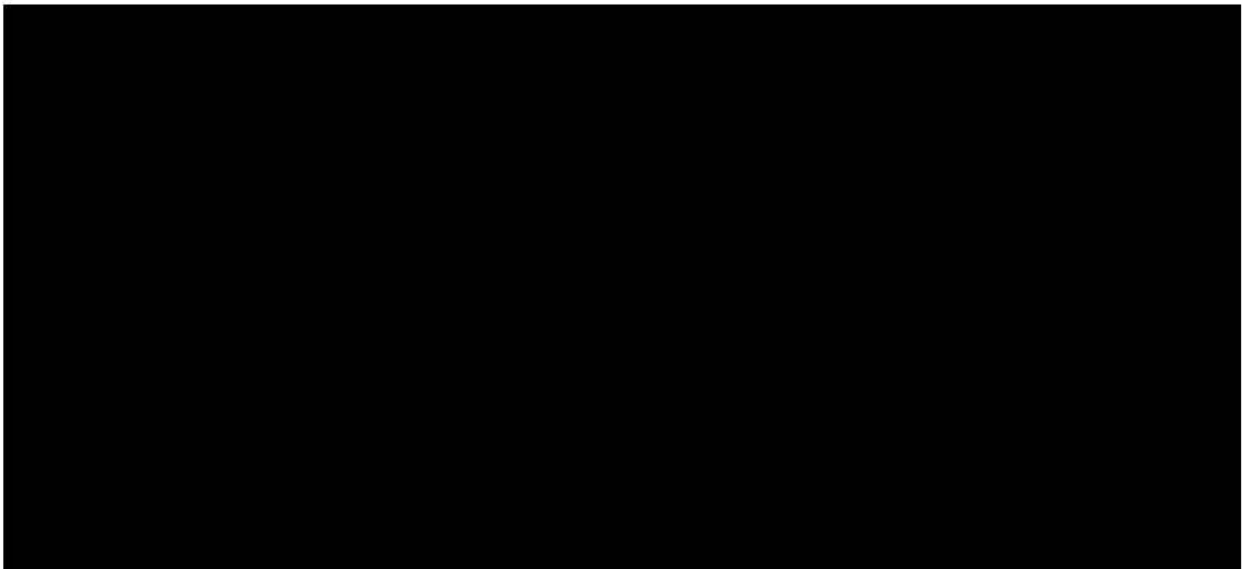
Detention and Removal Operations Training
Division

DRO7080.02

May 2010



**U.S. Immigration
and Customs
Enforcement**



This document is not to be released outside the ICE Academy without the written permission of the ICE Office of Training and Development (HQ).

Lesson Plan Overview					
Course Title		Surveillance			
Course Number		DRO7080.02			
Course Duration		6 hours			
Lecture Time	Lab Time	PE/Exam Time	Total Time	Programs	Applicable Portions
2 Hours	4 Hours		6 Hours	ICE -FOTP	
Course Description		In this course Officers will be introduced to principles and surveillance techniques to further the ICE Mission.			
Terminal Performance Objective (TPO)		In simulated fugitive operations activities, the ICE officer will conduct, apply, and demonstrate learned skills in surveillance without being detected.			
Enabling Performance Objectives (EPO)		1. Identify surveillance terminology. 2. Identify potential issues when conducting an operation. 3. Identify how to conduct a successful surveillance.			
Instructional Methods		• Lecture • Discussion • Demonstration			
Method of Evaluation		Instructor will gauge student performance during the laboratory exercise. Instructor will critique officer's performance based upon the lessons learned during the lecture portion.			
Classroom Requirements		• Group classroom (4 table groups) with instructor station including computer, projector, and screen			

Lesson Plan Overview	
Instructor Materials/ Resources	• Instructor Guide • Presentation Slides • 14 vehicles, including ICE staff vehicles • 12 radios, 8 GPS, 8 pair of binoculars
Student Materials/ Resources	• Participant workbook for each student • Vehicles provided by instructors • Radios/communication devices • GPS or local maps
Instructor Special Requirements	One instructor needs to check out vehicles from contracting company during lecture. Vehicles will be issued prior to commencement of laboratory.
Student Special Requirements	Civilian clothes. Optional clothes for changes in appearance. No open toed shoes or sandals (safety), or offensive clothing.
Role-Players	Four (4)

Curriculum Development and Review Team

Developed by:

Date

(b)(6),(b)(7)(C)

CDI, DRO Advanced

September 2008

Revised by:

Date

(b)(6),(b)(7)(C)

CDI, DRO Advanced Training

May 2010

Summary of revisions:

Changed Instructor responsibilities and materials, number of role players and vehicles.
Changed some of the laboratory scheduled of events (G-166c).

Reviewed by:

Date

(b)(6),(b)(7)(C)

Branch Chief Specialties, ICE Academy

May 2010

(b)(6),(b)(7)(C)

Section Chief, ICE Academy

May 2010

Table of Contents

Introduction	1
PURPOSE OF COURSE	1
ENABLING PERFORMANCE OBJECTIVES	1
Introduction, Motivation, and Rapport	1
Surveillance Terminology	1
EPO 1	1
Topic 1: Terminology	2
Potential issues when conducting Surveillance	2
EPO 2:	2
Topic 1: Important intangible assets	3
Topic 2: Surveillance Considerations	3
Topic 3: Things to avoid during surveillance	4
Planning a successful surveillance	4
EPO 3:	4
Topic 1: Authority	5
Topic 2: Surveillance Objectives	5
Topic 3: Planning (Gather intelligence)	5
Topic 4: Personnel / Equipment	6
Topic 5: Types of Surveillance	6
Summary	7
Enabling Performance Objectives	7
Laboratory	8
Assessment	8
Laboratory	8
Resources	8
Handouts	8
Approval Page	10

Introduction

PURPOSE OF COURSE

The mission of ICE in locating and removing all deportable aliens is dependent upon the officer's ability to arrest aliens through the use of effective surveillance.

In simulated fugitive operations activities, the ICE officer will conduct, apply, and demonstrate learned skills in surveillance without being detected.

ENABLING PERFORMANCE OBJECTIVES

1. Identify surveillance terminology.
2. Identify potential issues when conducting surveillance.
3. Identify how to conduct a successful surveillance.

Introduction, Motivation, and Rapport

Instructor should introduce him/herself and point out relevant experience with conducting surveillance. The importance of undetected surveillance by ICE officers cannot be over-emphasized. The success of surveillance is dependent upon the officer's ability to conduct surveillance without detection by the target and the general public.

SURVEILLANCE TERMINOLOGY

EPO 1

Identify surveillance terminology.

Topic 1: Terminology

-
-
-
-
-
-
-
-
-
-
-

(b)(7)(E)

Potential issues when conducting Surveillance

EPO 2:

Identify potential issues when conducting surveillance.

-
-
-
-
-
-

(b)(7)(E)

Topic 1: Important intangible assets

- -
 -
 -
- (b)(7)(E)

Topic 2: Surveillance Considerations

It is important to pay close attention to your dress and mannerisms.

(b)(7)(E)

(b)(7)(E)

Your vehicle(s) need to fit the area in which you are working and you need to have a working knowledge of the surveillance area and your target environment.

(b)(7)(E)

(b)(7)(E)

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 -
- (b)(7)(E)

Topic 3: Things to avoid during surveillance

- -
 -
 -
 -
 -
 -
 -
- (b)(7)(E)

Any action you may take that would appear out of the ordinary or draw unwanted attention to yourself.

Planning a successful surveillance

EPO 3:

Identify how to conduct a successful surveillance

Topic 1: Authority

There is no specific statutory authority to conduct surveillance.

The officers' actions in performing surveillance must not violate an individual's 4th Amendment right to reasonable expectation of privacy.

Remember:

“Right to be, right to see”

Topic 2: Surveillance Objectives

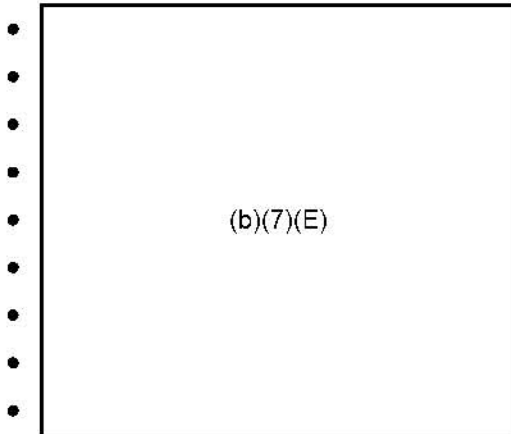
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Topic 3: Planning (Gather intelligence)

It is imperative that you perform the checks necessary to gather as much intelligence prior to commencing the surveillance. Some methods of obtaining pre-surveillance intelligence gathering include:

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Topic 4: Personnel / Equipment



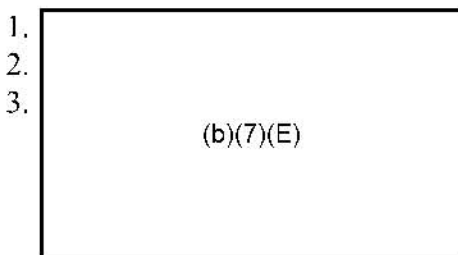
Conducting surveillance on the target area on several different days and at different times of the day increases the odds of establishing supporting evidence that the target resides at the premises. It can also help to confirm when target departs in the morning or returns in the evening. Be aware of counter-surveillance (drug infested areas/gang related areas). It is also important to be aware of neighborhood watch groups or inquisitive neighbors. Keep in mind the issues of conducting surveillance in the immediate area of those sensitive locations such as, schools, churches, hospital parking lots, etc.

Topic 5: Types of Surveillance

Drive-by Surveillance

This type of surveillance is most commonly used by Fugitive Operations teams. Drive-by surveillance is utilized mainly to gather and document law enforcement intelligence, identify risk factors and to update planning considerations for the actual operation.

What information can be obtained with a drive-by?



Mobile surveillance (vehicle/foot)

Covert mobile surveillance is extremely difficult to accomplish successfully without adequate resources. Requires extremely good coordination and communication.

Conducting mobile surveillance relies heavily on good basic practices such as:

The ability to maintain comfortable/reactionary distances;
Maintaining a constant communication line;
Avoiding running red lights/stop signs or making u-turns or abrupt maneuvers;
Unnecessarily swapping positions once set in place or passing the target while mobile.

Topic: 6 Post Surveillance

(b)(7)(E)

Summary

Surveillance is a basic investigative tool initiated to observe a target and gather intelligence. Officers need to be familiar with the concepts, potential issues both safety and operational, and how to apply surveillance techniques to avoid detection.

The implementation of a well thought out and well prepared surveillance plan can lead to a safe and successful fugitive operation that can lead to the expeditious removal of aliens.

Enabling Performance Objectives

Now that you have completed this course you should be able to:

1. Identify surveillance terminology.
2. Identify potential issues when conducting surveillance.
3. Identify how to conduct a successful surveillance.

Laboratory

Officers will apply the law enforcement skills and knowledge necessary to safely effect surveillance while retaining all pertinent information in order to conduct a Fugitive Operation culminating in the arrest of the target fugitive.

Officers will conduct surveillance on a sibling (role player) of a targeted fugitive. The fugitive has an ICE Administrative Arrest Warrant and is actively being sought by the Fugitive Operations Team. Officers will encounter the subject of the surveillance leaving their place of employment and entering their vehicle.

(b)(7)(E)

Officers/Teams will complete a G-166c (MOI) for the exercise documenting what information was obtained.

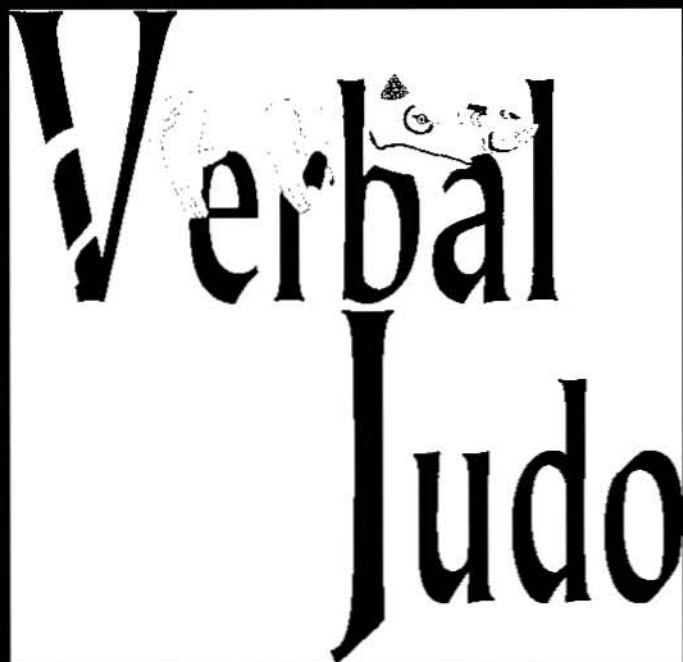
The role player will debrief with the team and identify if/when s/he realized they were being followed or under surveillance. Instructors will also identify any issues or problems they observed during the exercise.

Assessment	
<u>Laboratory</u>	
FOTP Final PE	
Resources	
<u>Handouts</u>	
Student Guide	

Approval Page

Approved by:

Section Chief, Division	Date
Unit Chief	Date
Director, Office of Training and Development	Date
Division Representative (DRO, OI, OPR, INTEL, FPS)	Date



**TACTICAL
COMMUNICATION
for the**

**LAW ENFORCEMENT
PROFESSIONAL**

Behavioral Science Division

© Verbal Judo

To win one hundred victories in one hundred battles is not the highest skill.

To subdue the enemy without fighting is the highest skill.

Sun-Tzu (circa 400-320 B.C.)



Enabling Performance Objectives

- Identify the goals of Verbal Judo and of law enforcement.
- Identify the definition of “Habit of Mind.”



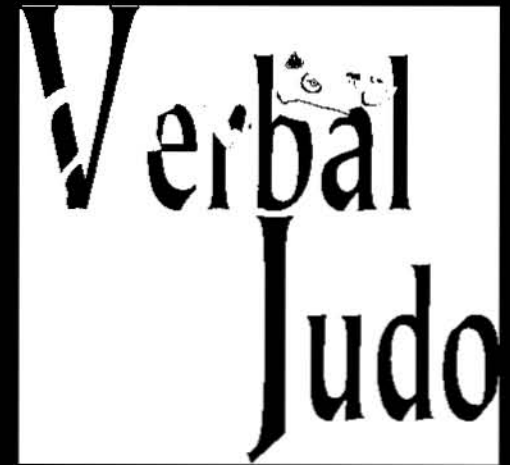
Enabling Performance Objectives

- Identify the traits of a “Contact Professional.”
- Identify techniques of the Five–Step “Hard Style.”
- Identify the benefits of an effective communication process.



Enabling Performance Objectives

- **Identify the Arts of Translation and Flexible Thinking.**
- **Identify the effectiveness of the use of L.E.A.P.S.**



Enabling Performance Objectives

**#1. Identify the goals of Verbal Judo
and of law enforcement.**

A Rookie's First Vehicle Stop

... “Dispatch...deputy (b)(6),(b)(7)(C) ...vehicle stop”

... (b)(6),(b)(7)(C) ..this is
dispatch...go ahead”

...“I’ll be stopping a
...etc...etc...”



GOALS OF VERBAL JUDO

Officer Safety

**Natural
language**

vs

**Tactical
language**



GOALS OF VERBAL JUDO

Enhanced Professionalism

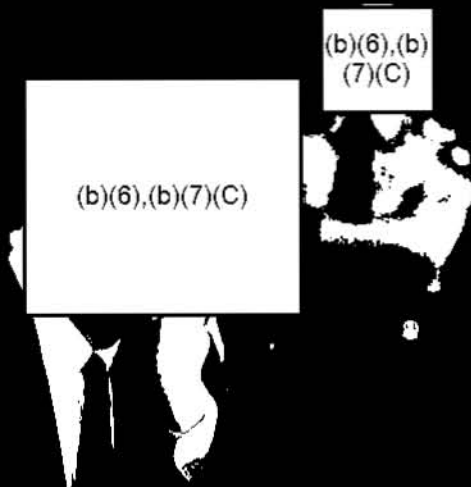
- Decrease citizen complaints
- Decrease vicarious liability
- Increase court power



GOALS OF VERBAL JUDO

Enhanced Professionalism

- Increase personal morale



- Reduce personal stress on job and at home

**THE GOAL OF
LAW ENFORCEMENT IS TO**

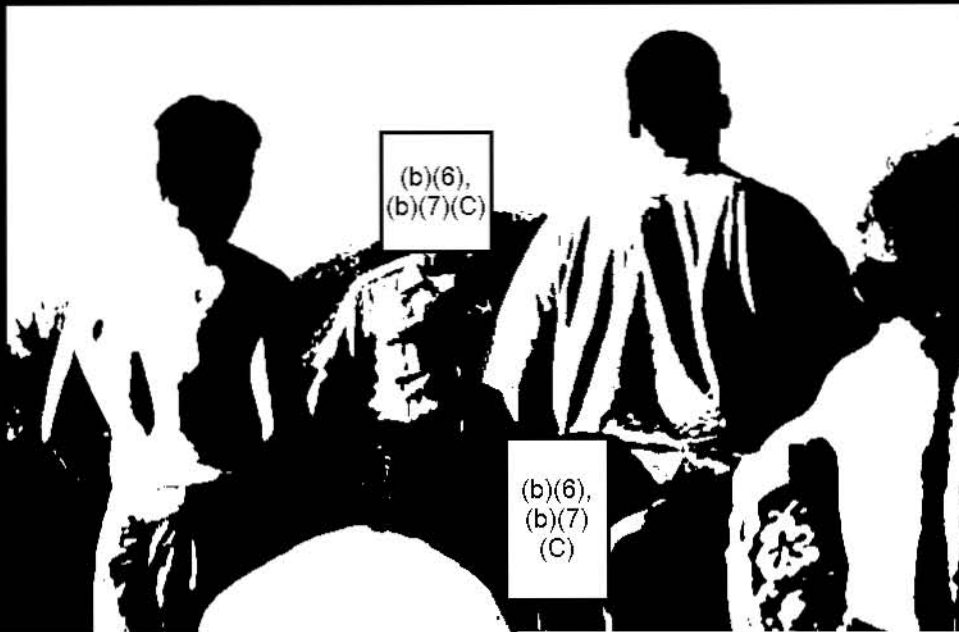
**THE GOAL OF
LAW ENFORCEMENT IS TO**

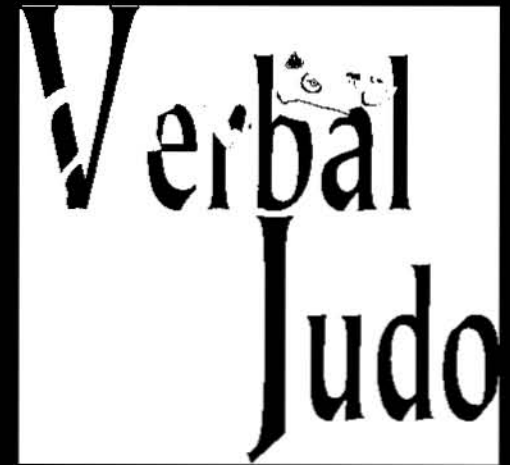
**GENERATE
VOLUNTARY
COMPLIANCE**



VERBAL TACTICS

If most of our problems
are resolved verbally,
why not use verbal
tactics?





Enabling Performance Objectives

**# 2. Identify the definition of
“Habit of Mind.”**

MAINE STATE TROOPER

- What grade would you give him? A-F
- Did he keep cool?
- Did he say anything wrong?



HABIT OF MIND

In Japanese...mushin (moo shin)

Literal translation- no mind, however, means a state of disinterest (Don't take it personally):

Open

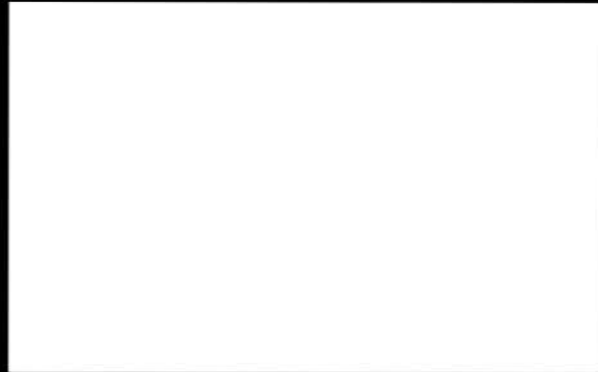
Flexible

Unbiased

(b)(6),(b)(7)(C)

HABIT OF MIND

“In the box...”



Anger

Bias

Fear

Locked into only one perspective

HABIT OF MIND



Solid, rigid, biased

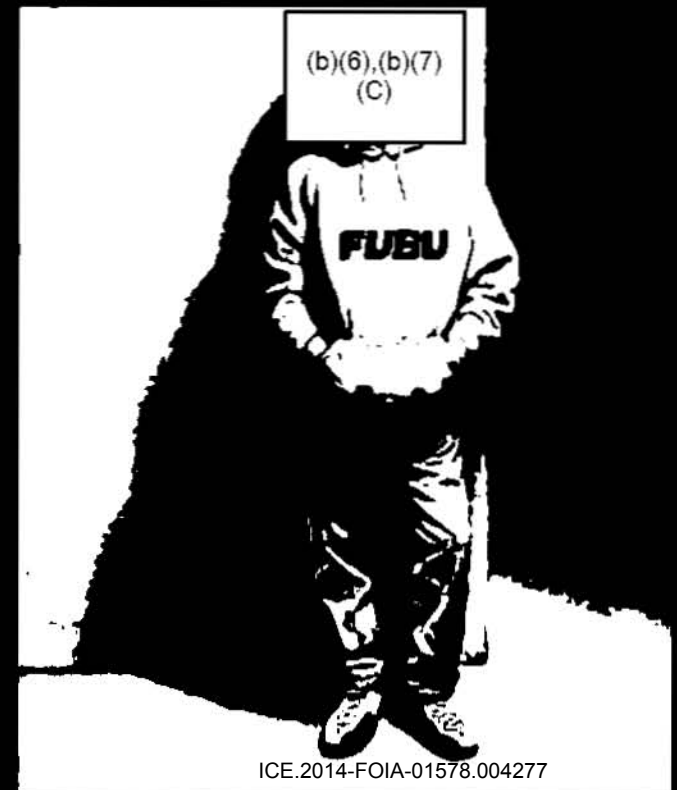


Flexible, bendable, open

90/10 PRINCIPLE

LEO's spend 90 % of their time
with 10% of the people

- **Stereotyping**
- **“Group think” –are all individuals the same?**
- **BAD ATTITUDE IS NOT ILLEGAL**



THREE TYPES OF PEOPLE



NICE

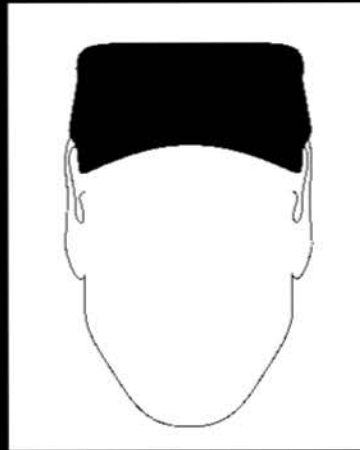
THREE TYPES OF PEOPLE



THREE TYPES OF PEOPLE



NICE



WIMP



DIFFICULT

ATTITUDE vs BEHAVIOR

- **DON'T FOCUS ON ATTITUDE**
 - Probably can't change it anyway
- **GOAL IS TO CHANGE THEIR BEHAVIOR**
 - Compliance is a behavior



You have the right to remain silent...

THE PROBLEM

**Natural
language**

**What's our most
dangerous weapon?**



A cocked tongue

**70 percent of complaints are related to
tone of voice**

NATURAL LANGUAGE

- Gut reaction
- Feels good to say
- Insulting
- Not goal oriented



VERBAL KARATE

- **Natural language**
- **Shows personal feelings**
- **Alienates audience**



JUDO RESPONSE



- Re - direct behavior with words
- Ju = gentle, flexible; do = way

VERBAL JUDO



- **Tactical language**
- **Achieve objectives**
- **Skillful audience contact**

HOW TO HANDLE VERBAL ABUSE

First... DEFLECT

Natural reaction =
confrontation

Vs

Tactical response =
deflection &
redirection



•“I ‘preciate that, *but...*”

HOW TO HANDLE VERBAL ABUSE

First...
DEFLECT



“I understan’ that, *but...*”

“I hear that, *but...*”

OR, HOW ABOUT...

- “You’re right, *but...*”
- “I agree with you on that, *but...*”
- “I understand that you’re having a bad day, *but...*”
- “Sorry you feel that way, *but...*”
- YOU COME UP WITH A PHRASE!

Then use... **PEACE PHRASES**

- “*but...* Can you work with me...”
- “*but...* For your safety and mine...”

Then use... PEACE PHRASES

- “*but...* Could I ask you to...”
- “*but...* Let me help you...”



PHRASES to obtain cooperation

- Don't say "*hey you come here!*"
 - Say "*excuse me sir, can we speak for a minute?*"
- Don't say "*what's your problem?*"
 - Say "*what's the matter?*"
- Don't say "*do it or else!*"
 - Say "*can you work with me?*"

REASONS TO USE DEFLECTORS AND PEACE PHRASES

- ✓ Makes you feel good!
- ✓ Springboard - focus technique



REASONS TO USE DEFLECTORS AND PEACE PHRASES

- ✓ Allows other person to save face
- ✓ Sounds good!



**Professional /tactical communication tailored to
Our goal -voluntary compliance**

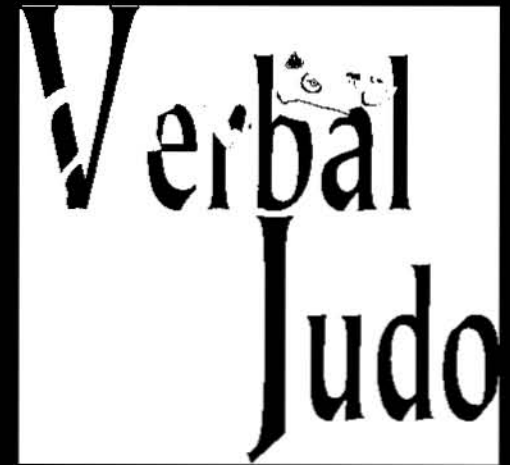
Principles of Handling Verbal Abuse

1. Say what you want, DO what I say!

2. I've got the last ACT: you can have the last WORD

3. REspect vs. Respect (The Golden Rule)





Enabling Performance Objectives

**# 3. Identify the traits of a
“Contact Professional.”**

THE CONTACT PROFESSIONAL



In contact with:

Organization

Self

Subject

THE CONTACT PROFESSIONAL

Fairness

Honesty
(reassurance)

Consistency

Equitability

Respectfulness



CHALLENGES TO YOUR AUTHORITY

**Dissent...the
American way**

**Reasonable
Resistance**

**Severe
Resistance**



CHALLENGES TO YOUR AUTHORITY

Know your weaknesses

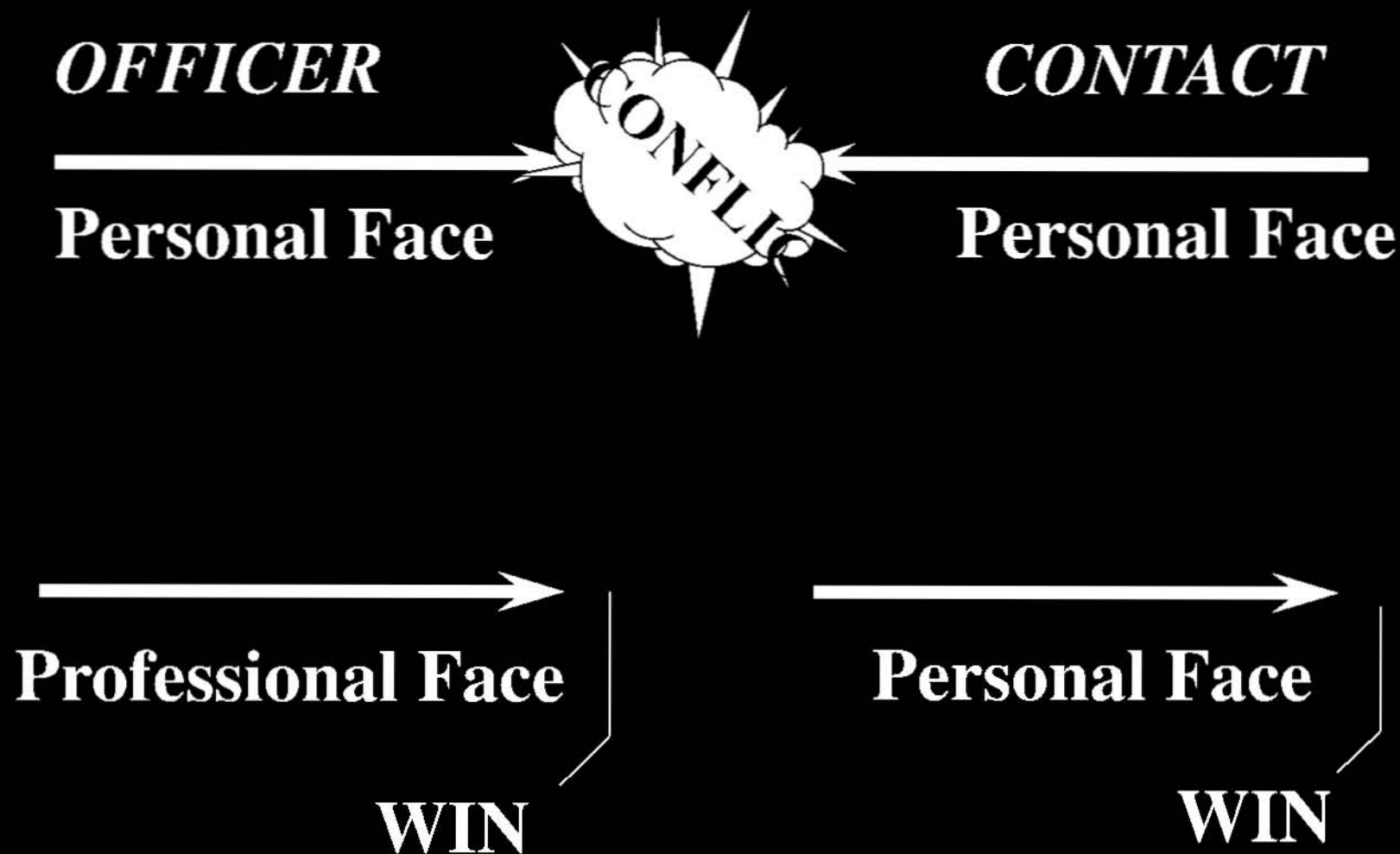
Anger

Bias

Distrust

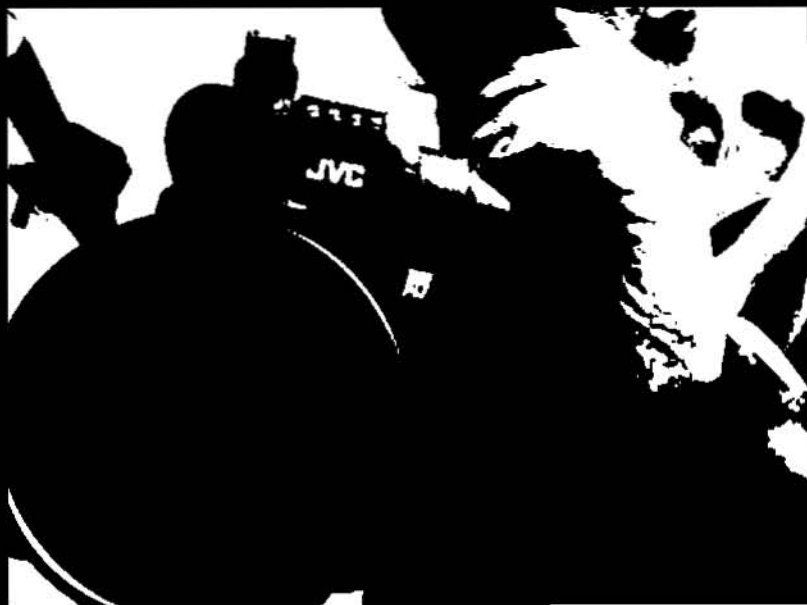


THE CONTACT PROFESSIONAL



THE WORLD IS FULL OF VIDEO CAMERAS

- Being good - not enough
- Look good
- Sound good

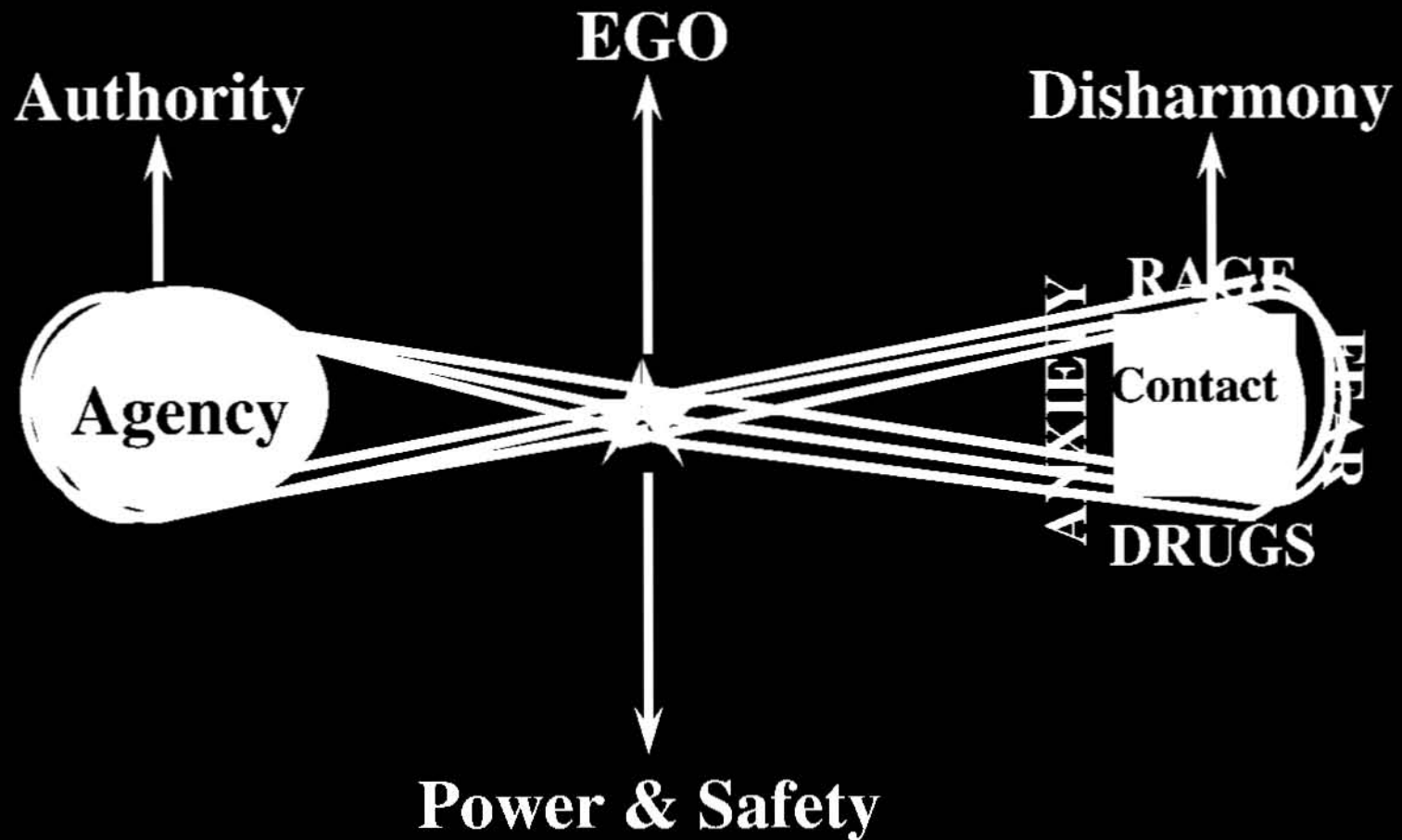


THE ART OF REPRESENTATION

Generate
Voluntary
Compliance



THE ART OF REPRESENTATION



DICKEY TAPE

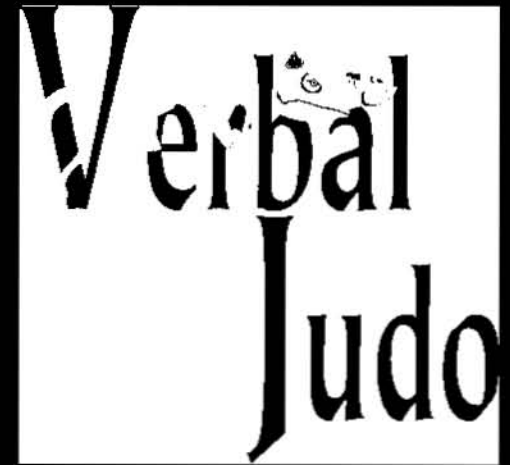
- Reasonable force?
- Liability?



DICKEY TAPE (SOUND)

- \$23,000,000 (sued for)
- Officer's career





Enabling Performance Objectives

**# 4. Identify techniques of the
Five-Step “Hard Style.”**

PROFESSIONAL CONTACT

5-Step Hard Style

1. Ask

2. Set Context

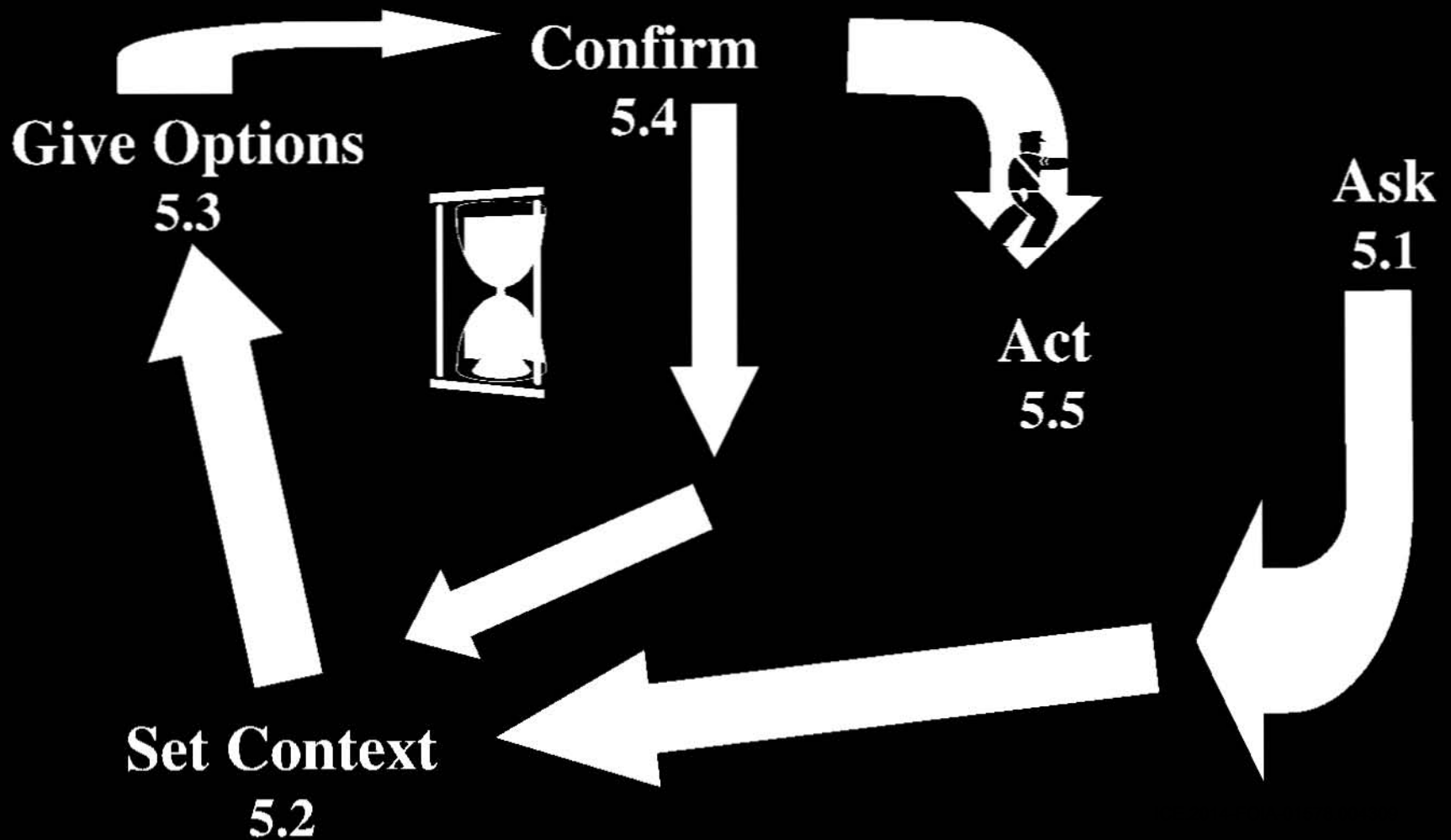
3. Present
Options

4. Confirm

5. Act



5 STEP HARD STYLE



FIVE-STEP HARD STYLE



1. Ask

“I need to see your identification, please”..

Establishes professional presence and credibility



FIVE-STEP HARD STYLE



Uses reason
and logic

2. Set Context

“I’m required to check”...

FIVE-STEP HARD STYLE

3. Give Options



Targets a persons self interest

“Let’s look at our choices...”

FIVE-STEP HARD STYLE



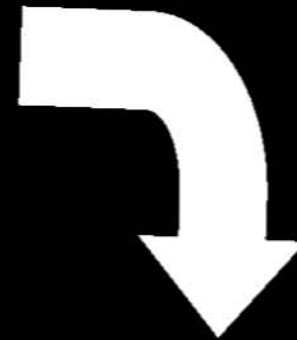
4. Confirm

“Is there anything I can say...”

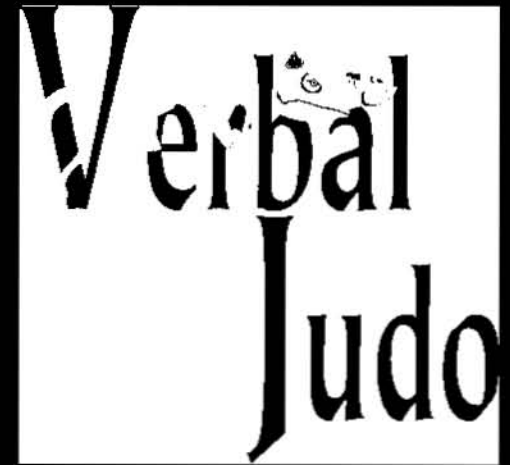
Uses strategy to generate compliance



FIVE-STEP HARD STYLE



5. Act
(Appropriately)



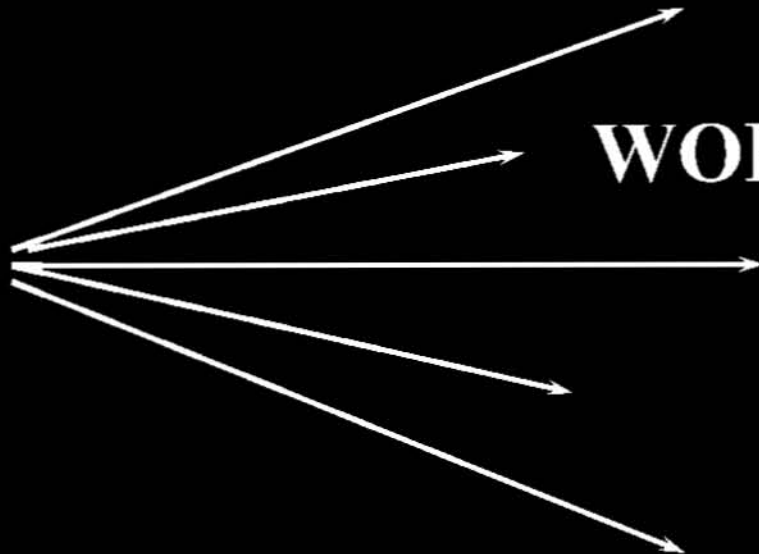
Enabling Performance Objectives

5. Identify the benefits of an effective communication process.

COMMUNICATION

MEANING

Help
Fear
Violated
My stuff



WORDS

Respond to the meaning.

Don't react to the words.

COMMUNICATION

**The opposite of talking should be listening.
But for most people it is...**

Waiting

***WAITING TO
INTERRUPT!***



COMMUNICATION: TALKING vs LISTENING

- **Everybody likes to talk**
- **Hardly anyone listens**

(b)(6),(b)(7)(C)

KEYS TO ACTIVE LISTENING

1. Be open & unbiased
2. Hear literally
3. Interpret accurately
4. Act appropriately



OFFICER SAFETY

TWO PEOPLE = 6

OFFICER

- Real self
- Self as seen by self
- Self as seen by other

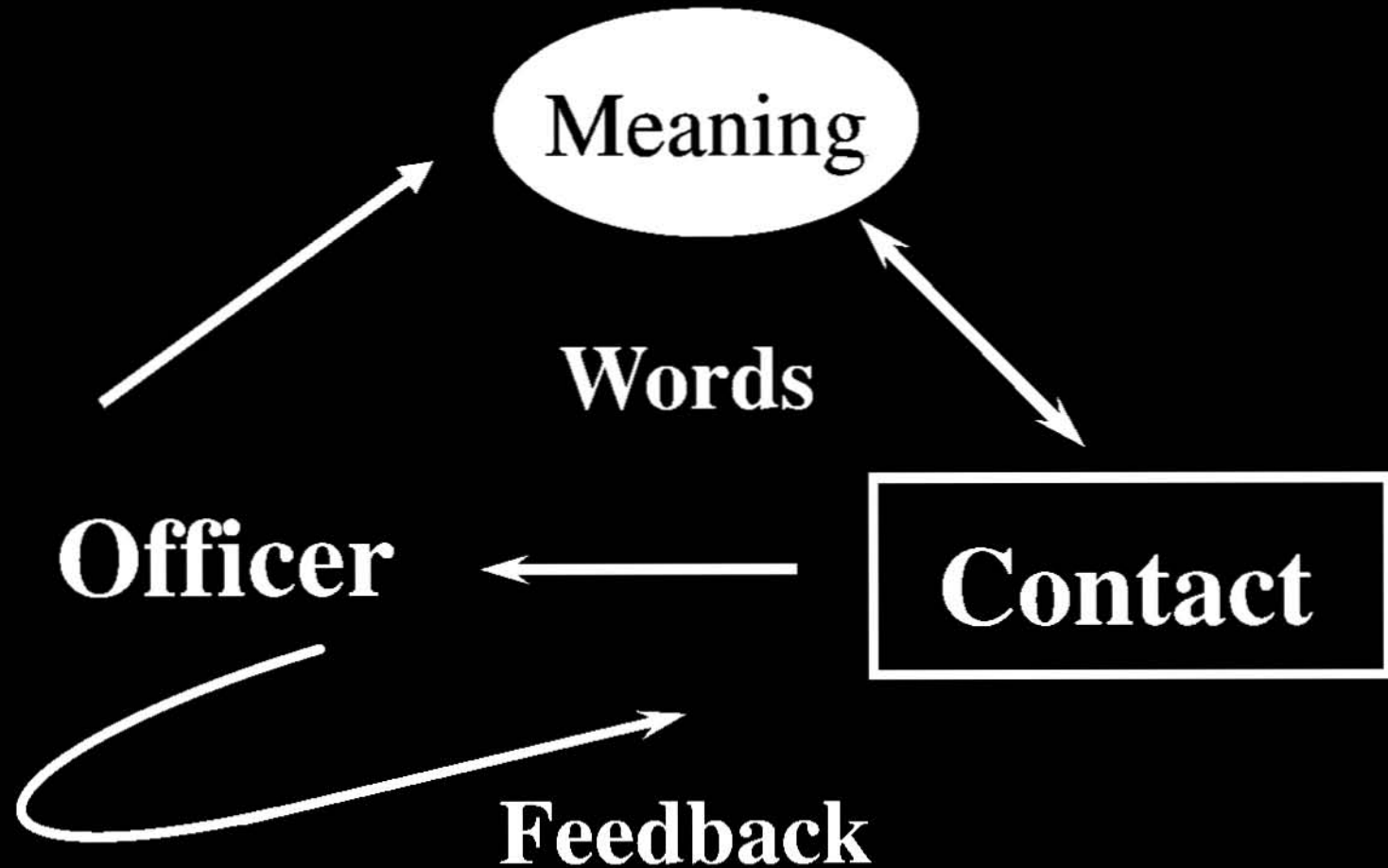
CONTACT

- Real self
- Self as seen by self
- Self as seen by other

WHICH IS MOST IMPORTANT
FOR OFFICER SAFETY?

PARAPHRASE

Most Powerful Tool in Communication



Why Paraphrase?



- It's an ok interruption
- Conditions the other person to listen
- Interpret accurately
- Act appropriately

EMPATHY

- **See through another's eyes**
- **Viewpoint**
- **Understand their perspective**

(b)(6),(b)(7)(C)

THE MESSAGE from the RECEIVER'S point of view

Content = 7-10%

Voice = 33-40%

O.N.V. = 50-60%

**(Other non verbals - proxemics,
body language)**



93% of message= DELIVERY STYLE

Example: Modulation & Inflexion

“I never said he stole the money”

ROLE vs VOICE



Harmony

ROLE

VOICE

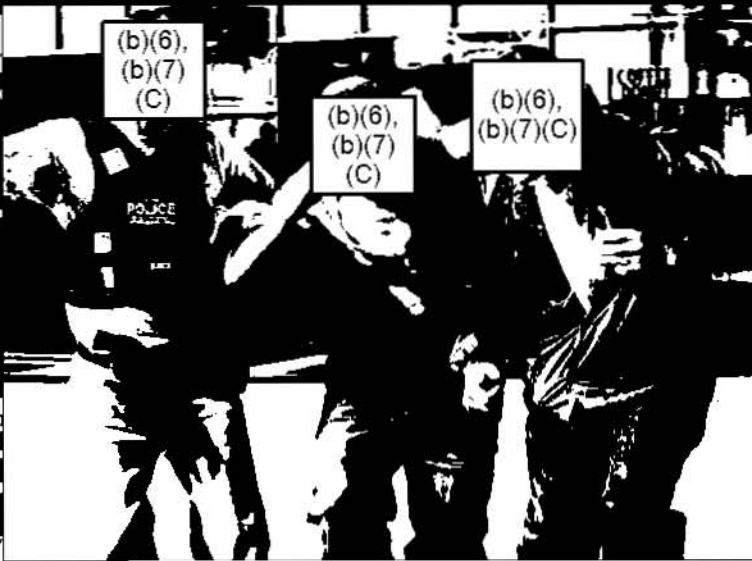
VOICE MUST AGREE

with your role

ROLE vs VOICE

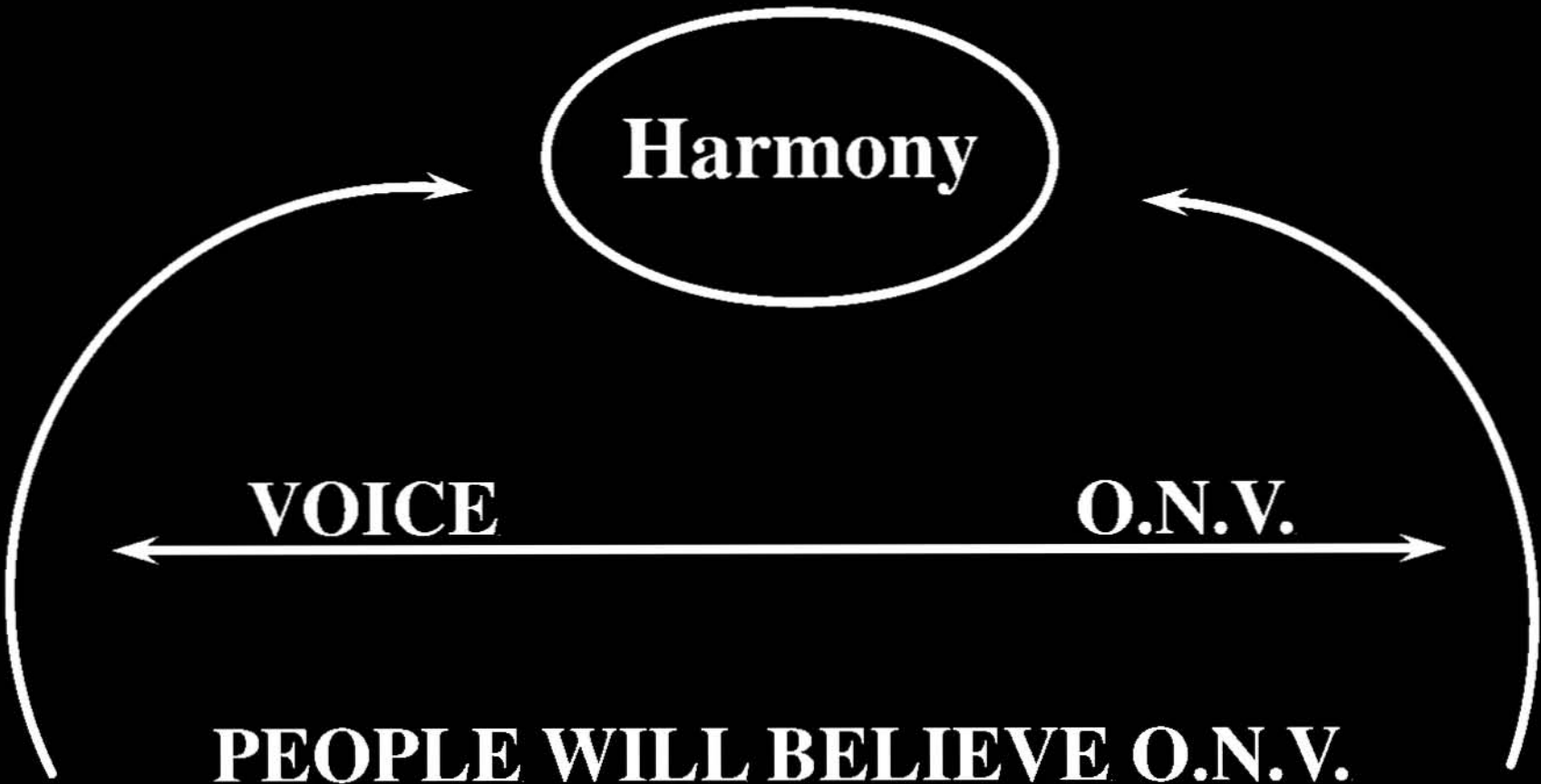
A professional law enforcement officer is an actor who plays many different roles.

“SHOWTIME!”



VOICE vs O.N.V.

Harmony



VOICE

O.N.V.

PEOPLE WILL BELIEVE O.N.V.

THE MESSAGE

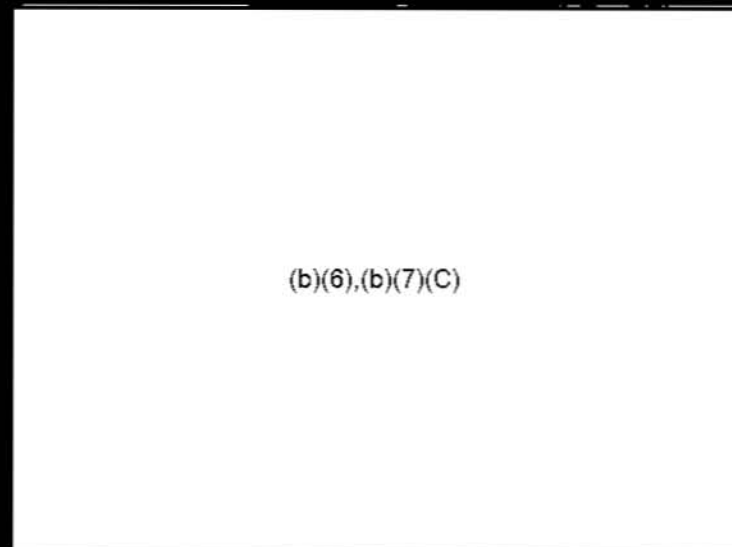
Its not
what
you
say...
it's how
you say
it !



Reading Body Language



Body Language



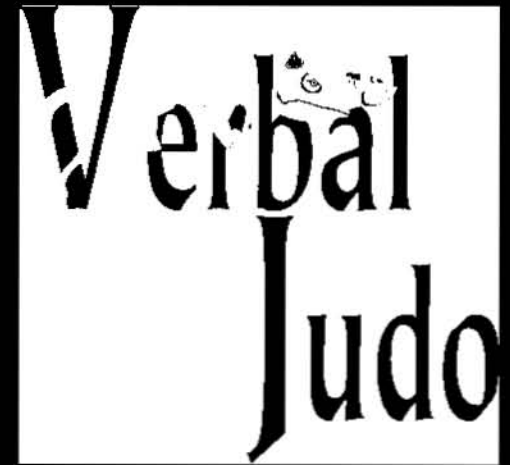
Body language



One Message

Contradictory Message

Moving back, etc



Enabling Performance Objectives

**# 6. Identify the Arts of
Translation and Flexible Thinking.**

THE THREE ARTS

Representation

Translation

Flexible Thinking

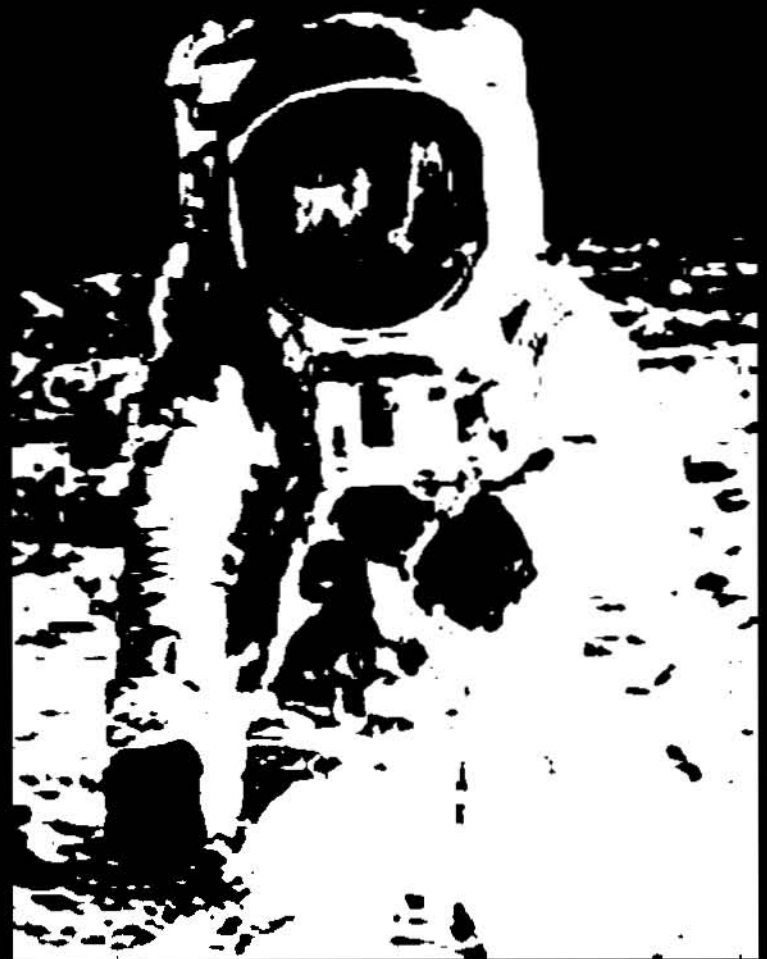


TRANSLATION

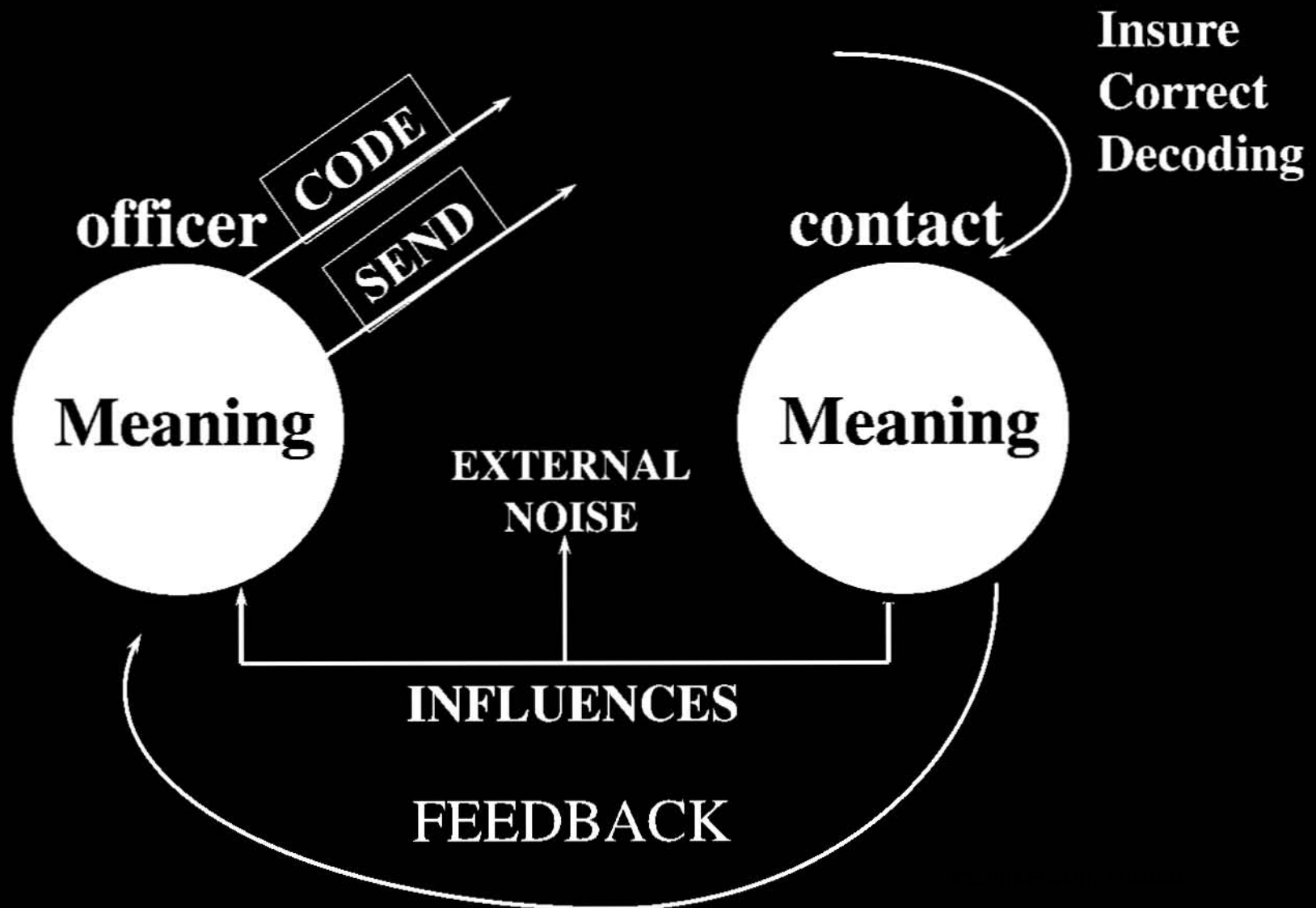
Neil Armstrong Story

- World Tour in late 1970
- Japan
- What was it like on the moon?

Words may change,
the meaning does
not !!!

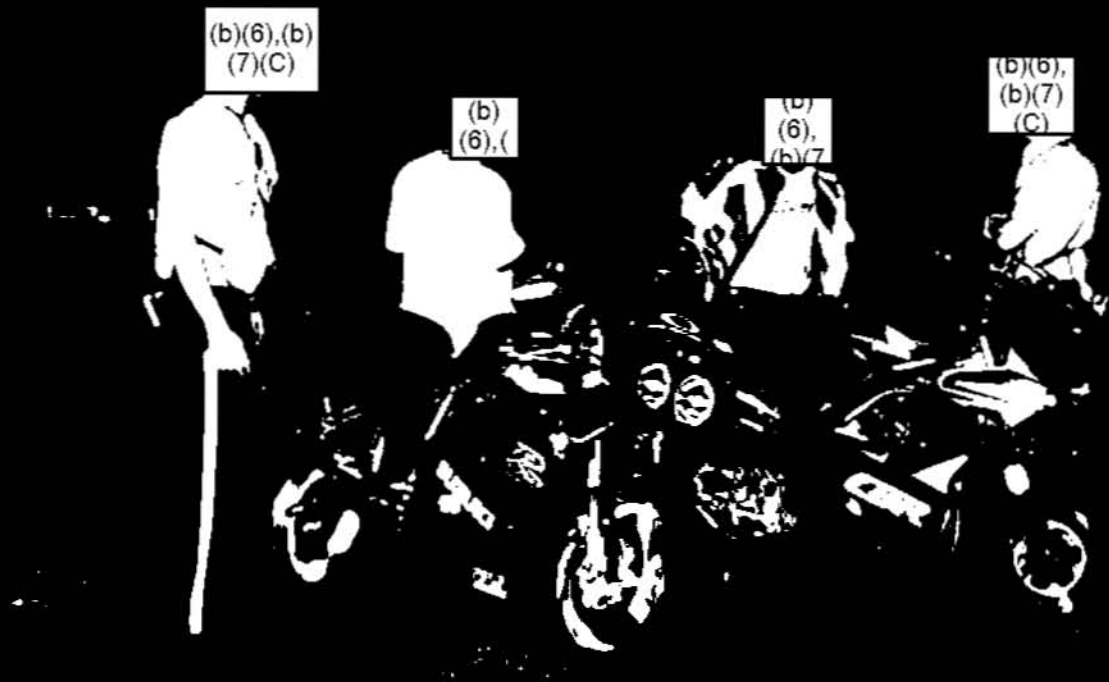


THE ART OF TRANSLATION



THE ART OF TRANSLATION

Not
concerned
with words,
concerned
with
meaning.



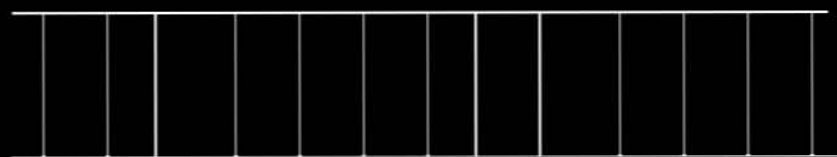
**What happens when the meaning
gets through and the person still does
not voluntarily comply?**

The Art of Flexible Thinking



THE ART OF FLEXIBLE THINKING

Contact



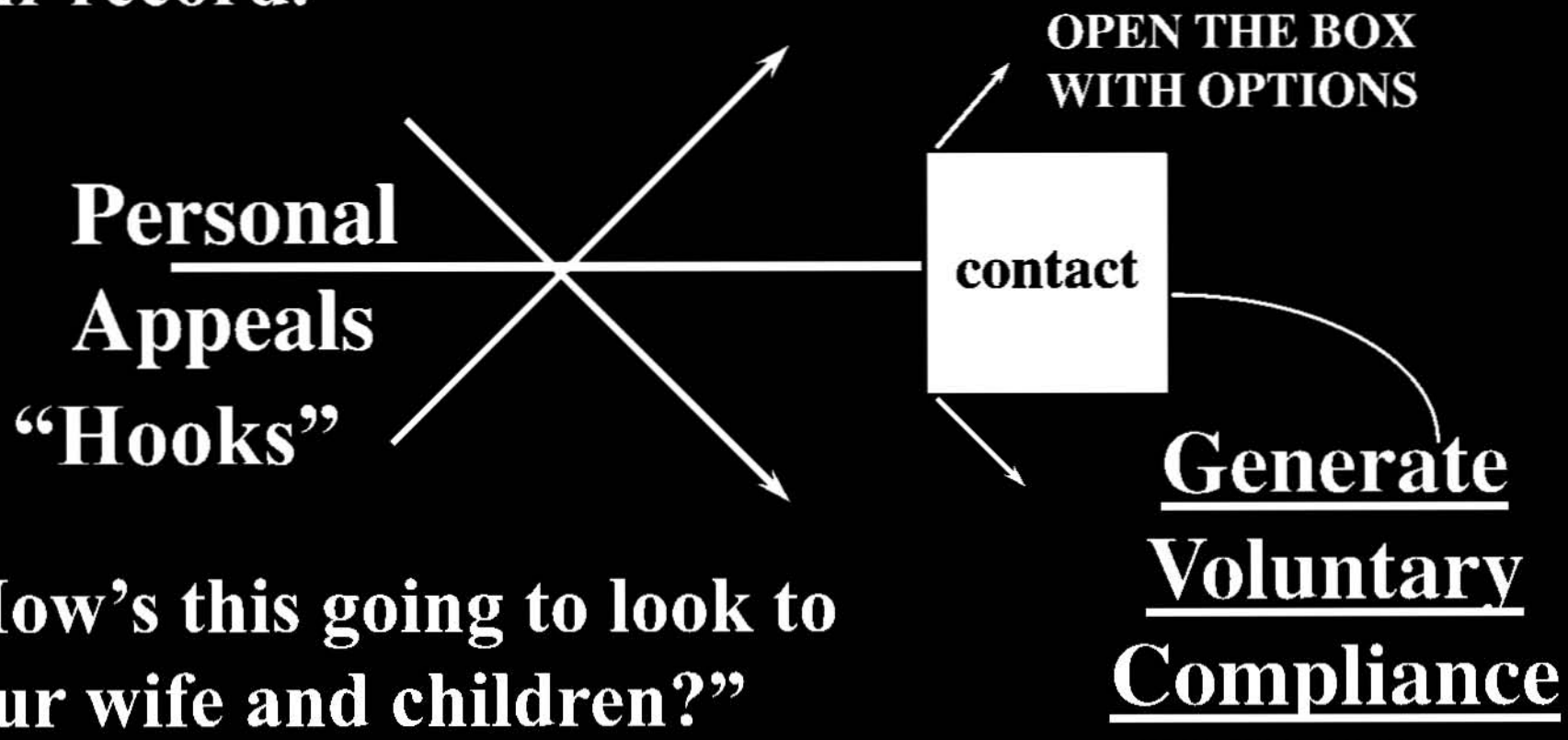
Contact
Officer

Contact

**We think for others as they might think
for themselves 48-72 hours later**

THE ART OF FLEXIBLE THINKING

**“You don’t want this on
your record.”**



**“How’s this going to look to
your wife and children?”**

Remember the 5 TIMES WHEN WORDS FAIL - ACT!

S - SECURITY

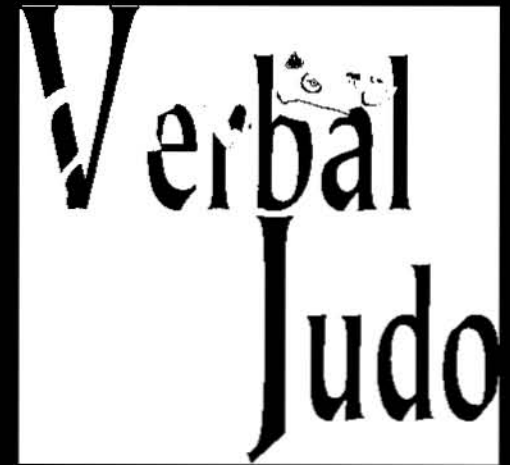
A - ATTACK

F - FLIGHT

E - EXCESSIVE REPETITION

R - REVISED PRIORITIES





Enabling Performance Objectives

**# 7. Identify the effectiveness of
the use of L.E.A.P.S.**

L.E.A.P.S.

Tools to Generate Voluntary Compliance

LISTEN- 4 steps

1. Open & unbiased
2. Hear literally
3. Interpret accurately
4. Act appropriately



L.E.A.P.S.

Tools to Generate Voluntary Compliance

- **EMPATHIZE**
 - **To see through the other's eyes**
 - **Construct a verbal means to relate to the subject.**
 - **You do not have to agree. Simply understand their perspective!**

L.E.A.P.S.

Tools to Generate Voluntary Compliance



ASK

Is there any thing I can say...?

L.E.A.P.S.

PARAPHRASE

*“Let me be sure that I understand what
you just said.”*



**His meaning dressed in your words,
so that you can both understand it.**

L.E.A.P.S.

Tools to Generate Voluntary Compliance

SUMMARIZE

- **Organizes and clarifies the information you've collected.**
- **Creates decisiveness & authority**
“Here's what we're going to do”

MAINE STATE TROOPER

(One more time)

- What grade would you give him? A-F
- Did he keep cool?
- Did he say anything wrong?
- What about the dog?

What about OFFICER
SAFETY?



VERBAL JUDO

- **Not your Gut Reaction!**
- **A Planned, Tactical Response**
- **Requires Planning**
- **Requires Preparation**
- **Requires Practice**

“SHOWTIME!”

- **Ready for work**
- **Get in character**
- **Use Verbal Judo**



REQUEST/APPROVAL FOR NEW OR REVISED SCENARIOS

Date: September 13, 2010
Program: Immigration and Customs Enforcement Field Operations Training Program (ICE-DFOTP)
Scenario Course Number/Title: Surveillance Lab (DAY EIGHT)
Scenario Number(s): Each scenario is a route. Routes #1-5 on file.

PURPOSE

New Scenario:	Revision: XX
Comments: Each of the four role players will be given a vehicle route in which they are to follow for this 4 hour exercise. Four scenarios are run simultaneously. The routes may use up to three pages of maps. The maps are labeled accordingly.	
Agency/Division conducting exercise: ICE	
Total Number of Role-players required for exercise: 4	
Role-player report location: ICE Building 16 second floor conference room.	
Length of Scenario (in hours): 4	Lunch: N/A Break: NA
Length of Time Role-players needed: 4.5 hours	Early Report Time (min): 30 min.

ROUTING NUMBER		DATE	PHONE
ORIGINATOR	(b)(6),(b)(7)(C)	9/13/10	(843) 745-
DIVISION/ AGENCY CHIEF		9/13/10	(843) 745-
PROGRAM MANAGER		9/13/10	(843) 566-
STUDENT SERVICES DIVISION		9/13/10	(843) 566-

SCENARIO COVER SHEET

Scenario Title/Number: Field Operations Training Program Surveillance Lab (DAY EIGHT)		
Number of Role-players required for this scenario: 4		
Role-player #: 1-4	Name of Character/Role: #1-4) The brother or sister of the fugitive	
Age: 22-55	Sex : No preferences	Race: No preferences
Physical Characteristics: No preferences		
Clothing Required: Casual Dress SPANDEX: The wearing of spandex, by the role-players, is a mandatory requirement when a body search is a possibility or is stated as a requirement of the students in the scenario description.		
Special Requirements: Meet the ICE instructors at ICE Building 16 in the second floor conference room.		
Props/Preparation Required: Be familiar with routes and driving directions. Preparation: The role-player contractor is required to ensure the role-players are properly trained, timely, knowledgeable of their scheduled character/exercise, meet all the character requirements, and are provided the required props (if prop responsibility lies with the contractor). All role-player questions on the requirements of the exercise should be addressed with the contractor management staff and resolved prior to the start of the exercise. Any unprepared role-player shall be replaced upon the request of an Instructor to the COTR or Contractor (if after normal working hours).		
Vehicles (Number and type required): One government vehicle per role player. Motor pool Checkout Requirements: Role-players must show a valid form of identification (valid driver's license, FLETC ID) and provide the class name and number of the lab/PE to the motor pool attendant in order to checkout a Government vehicle.		
Photograph Requirements: None		
Comments: See attachment for role details. Role players should not stop to eat during the lab. All traffic laws must be adhered to during the exercise. The main purpose of this lab is to allow the team members to practice various techniques of surveillance (foot and mobile). The character should be pleasant and professional.		

ERO Operations Overview

Presented by:

US ICE Academy, Advanced Training Section



Homeland
Security

Introduction



1. The Department of Homeland Security (DHS), established on March 1, 2003, in response to 09/11/2001 terrorist attack on the U.S.
2. DHS is committed to protecting the United States from terrorist threats through the rigorous and strict enforcement of the nation's immigration laws.
3. Enforcement of U.S. immigration laws formerly conducted by the Immigration and Naturalization Service (INS).
4. Legacy INS responsibilities now divided in DHS between ICE (interior enforcement), CBP (border enforcement) and CIS (Citizenship and Immigration Services / benefits).



Homeland
Security

EPO #1: ID the Missions of DHS, ICE & ERO

- DHS Mission-***We will lead the unified national effort to secure America. We will prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation. We will ensure safe and secure borders, welcome lawful immigrants and visitors, and promote the free-flow of commerce.***
- Established on March 1, 2003, to protect the United States from terrorist threats
- Created from 22 legacy agencies
- Approximately 180,000 employees



Homeland
Security

EPO #1: ID the Missions of DHS, ICE & ERO

- ICE Mission-***To protect America and uphold public safety by targeting the people, money and material that support terrorist and criminal activity***
- *Created from 3 law enforcement agencies -INS, USCS and FPS*
- *ICE is the largest investigative agency within the Department of Homeland Security.*
- *ICE responsibilities include the enforcement of immigration and customs laws and protection of federal facilities in the interior of the U.S. ;*



Homeland
Security

EPO #1: ID the Missions of DHS, ICE & ERO

- Enforcement and Removal Operations (ERO) Mission: ***To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts. ERO upholds America's immigration laws at, within and beyond our borders through efficient enforcement and removal operations.***
- *Previously known as Detention and Removal Operations, DRO, Detention and Deportation Program (DDP) and Detention Deportation and Parole (DD&P)*
- *Originally a law enforcement component of the Immigration and Naturalization Service (INS)*



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EPO #1: ID the Missions of DHS, ICE & ERO

- *Origins of the ERO mission:*
- *The Alien and Sedition Acts of 1798, the earliest deportation legislation, empowered the President to order the departure from the United States of all aliens deemed dangerous.*
- *Subsequent legislation has expanded and redefined the classes of aliens to be deported, excluded or removed*
- ***Basic ERO mission To identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts.***



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EPO #2 ID DHS Leadership & Organization

Leadership – Janet Napolitano, Secretary of the Department of Homeland Security

1. BORDER AND TRANSPORTATION SECURITY

- Customs Border Protection
- Immigration and Customs Enforcement
- Transportation Security Administration
- Federal Law Enforcement Training Center
- Animal and Plant Health Inspection Service
- Office for Domestic Preparedness



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EPO #2 ID DHS Leadership & Organization

2. EMERGENCY PREPAREDNESS AND RESPONSE

Includes Federal Emergency Management Agency and 4 other related agencies

3. SCIENCE AND TECHNOLOGY – research on Nuclear, Biological, Chemical threats

4. INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION – 4 agencies – computers and energy issues

5. U.S. SECRET SERVICE

6. U.S. COAST GUARD



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EPO #3: ID ICE Leadership & Organization

Leadership –John Morton, Assistant Secretary for U.S. Immigration and Customs Enforcement

1. **ERO** see EPO # 4 & 5
2. **HOMELAND SECURITY INVESTIGATIONS** - Investigates national security, financial and smuggling violations, including illegal arms exports, financial crimes, commercial fraud, human trafficking, narcotics smuggling, child pornography, child exploitation and immigration fraud. Generally conducts long term complex investigations involving multiple suspects / schemes of misconduct.



Homeland
Security

EPO #3: ID ICE Leadership & Organization

3. **FEDERAL PROTECTIVE SERVICE** - provides physical security and law enforcement protection for approximately 9,000 federal facilities nationwide.
4. **OFFICE OF INTELLIGENCE** - Collects, analyzes and disseminates tactical and strategic intelligence information for use by ICE and DHS
5. **OFFICE OF INTERNATIONAL AFFAIRS** - Interacts with the international community through investigations of immigration and customs violations; manages Visa Security Program; assists ERO in repatriation efforts.



ICE Special Programs

- **Operation Predator** – Targets sex crimes involving minors - foreign national sexual predators, child pornographers, child sex tourists child prostitution and human smugglers /traffickers.
- **Operation Community Shield** – Targeting foreign national members of violent criminal street gangs nationwide.
- **Project Shield America** – Targeting terrorists and other criminals illegally trafficking in arms, weapons of mass destruction and critical technology.
- **National Security Investigations** – ICE is the second largest law enforcement contributor to the nation's Joint Terrorism task Forces, at the forefront of the domestic war on terrorism.



ICE Law Enforcement Support

- **Law Enforcement Support Center (LESC)** – provides timely information on immigration status to federal, state and local law enforcement agencies.
- **Forensic Document Lab** – Provides forensic document analysis and operations support services to combat travel and identity document fraud.
- **Office of the Principal Legal Advisor** – OPLA provides legal advice, training and services to support the ICE mission and defends the interests of the United States in the administrative and federal courts.



EPO #4: ID ERO Leadership & Organization at the HQ level

Leadership – Gary Meade , Director of the Office of Detention and Removal

- **DETENTION MANAGEMENT DIVISION -**

Manages ICE detention operations to efficiently and effectively provide for the safety, security and care of persons in ICE custody.

- Detention Operations Coordination Center (DOCC),
- Detention Standard Compliance Unit (DSCU); and
- National Juvenile Coordination Unit (NJCU)



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Security

EPO #4: ID ERO Leadership & Organization at the HQ level

- **REMOVAL MANAGEMENT DIVISION** - Plans and manages transportation and removal requirements for ERO; oversees and supports field offices in their execution of transportation and removal operations and assists them in obtaining the appropriate documents and government clearances to effect removals.
- **ICE Air Operations**- coordinates removal operations using charter aircraft and government owned aircraft under the **Justice Prisoner Alien Transportation System (JPATS)**.
- **Centralized Ticketing Unit (CENTIX)** provides command and control of all removal operations conducted via commercial air.
- Also includes **Travel Document Unit (TDU)** & **Custody Determination Unit (CDU)**



EPO #4: ID ERO Leadership & Organization at the HQ level

- **CRIMINAL ALIEN DIVISION**

- **Criminal Alien Program (CAP)** – Identifies criminal aliens incarcerated within federal, state and local jails and correctional facilities and processes them for removal from the United States at the conclusion of their incarceration, thereby protecting public safety by ensuring that criminal aliens are not released into the community
- **Intelligence Operation Unit (IOU)** – Manages the collection and dissemination of law enforcement information and criminal intelligence within the ERO program.



EPO #4: ID ERO Leadership & Organization at the HQ level

- **ENFORCEMENT DIVISION**

- **Fugitive Operations Unit (FOU)** - Implements the **National Fugitive Operations Program (NFOP)** at a strategic level, to facilitate the Fugitive Operations Teams in ICE ERO field offices locating, apprehending and removing fugitive aliens from the United States
- **Alternative to Detention Unit (ATD)** – provides alternatives to secure detention that ensure compliance with judicial orders such as ankle bracelets and intensive supervision of aliens released from ICE custody.





U.S. Immigration and Customs Enforcement



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Immigration and Nationality Act Overview



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Mastering the Law = Mastering Baseball

THE BAD NEWS BEARS

It takes Practice, Practice, Practice!!!!!!!!!!



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TERMINAL PERFORMANCE OBJECTIVE

Given a field situation involving the removability of an alien, the DRA will be able to:

(A) locate the charge in the Immigration Law Handbook and

(B) determine if the alien was properly charged as either inadmissible or deportable, according to the Immigration and Nationality Act.



ENABLING PERFORMANCE OBJECTIVES

EPO #1: Describe how the Constitution of the United States forms the basis for American jurisprudence.

EPO #2: Describe the role of the Legislative branch of the Federal Government.

EPO #3: Describe the role of the Executive branch of the Federal government.

EPO #4: Describe the role of the Judicial branch of the Federal government.

EPO #5: Identify the differences between law and regulation

EPO #6: Identify what materials are contained in the Immigration Law Handbook and the Field Pocket Guide



ENABLING PERFORMANCE OBJECTIVES

EPO#7: Demonstrate how to locate information in these two law books.

EPO #8: Describe the difference between a deportable and inadmissible alien.

EPO #9: Identify the basic principles of examination and inspection.

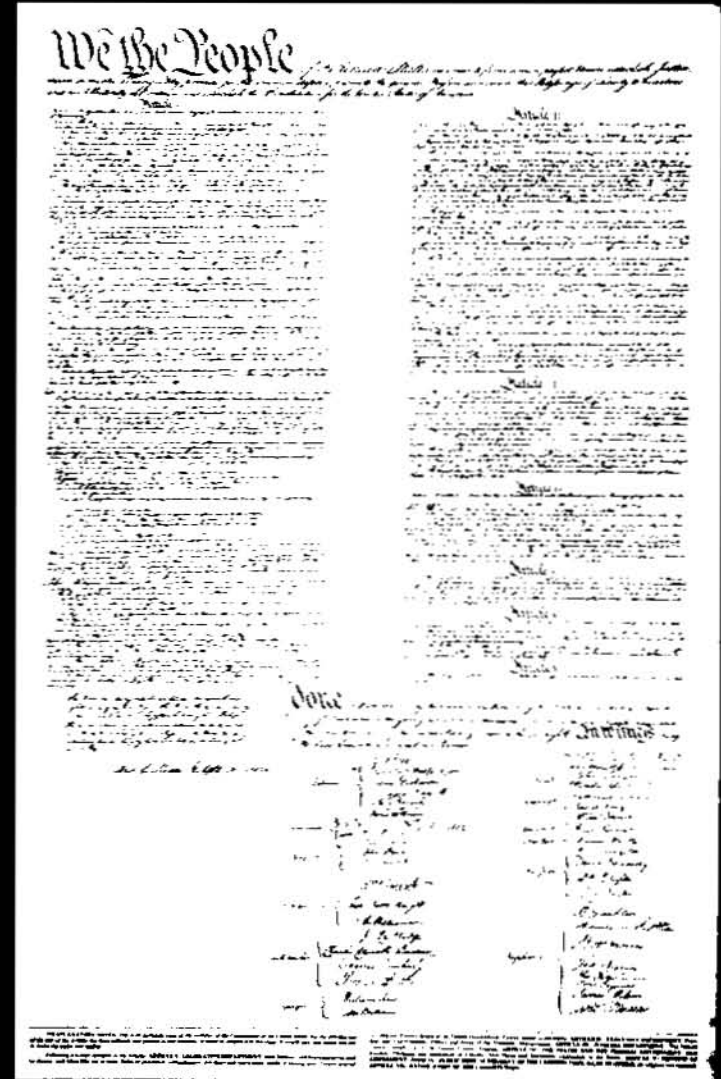
EPO #10: Identify the ten basic categories of inadmissible aliens.

EPO #11: Identify the six basic categories of deportable aliens.



US CONSTITUTION

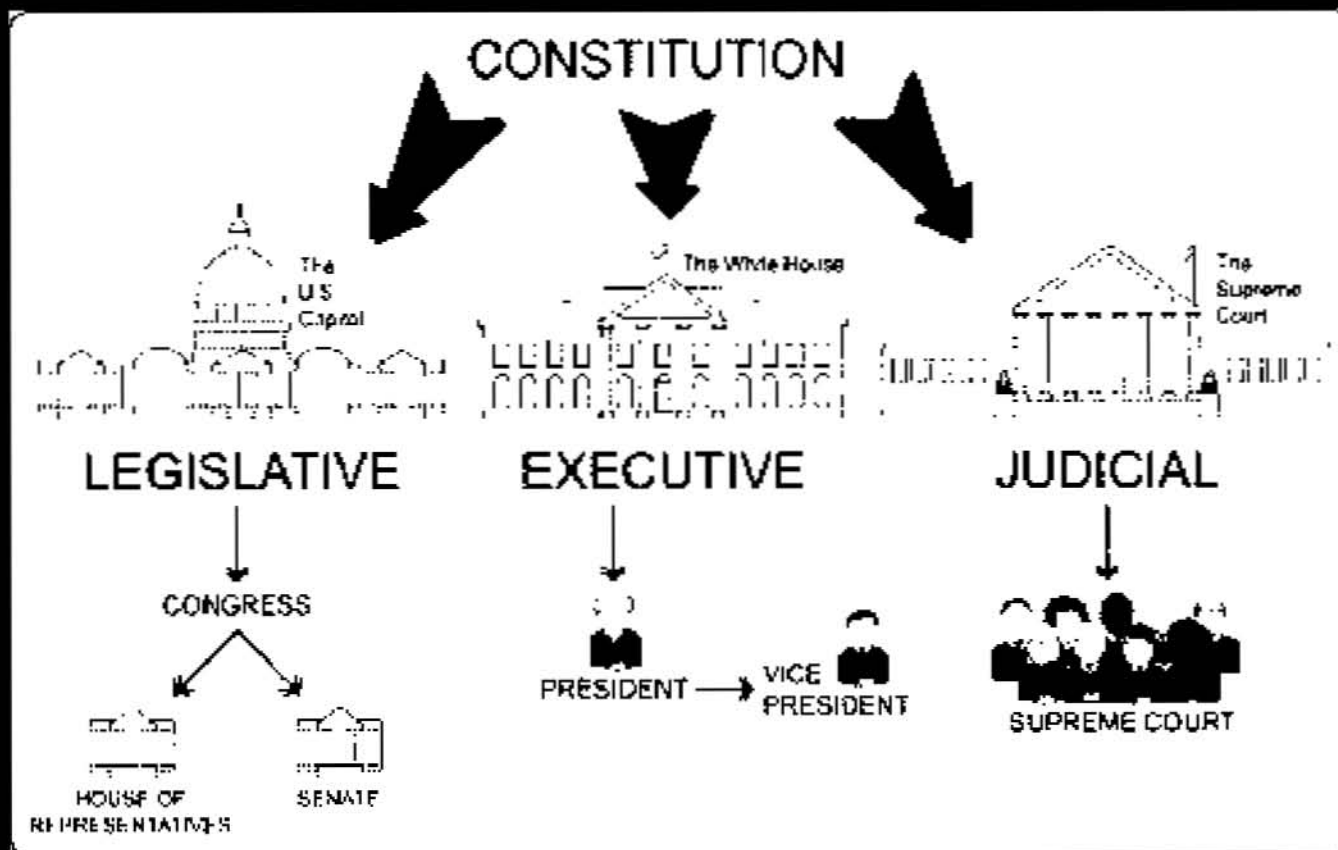
“Backbone of
American
Jurisprudence”



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Separation of Powers



The Legislative Branch



- Congress has the sole power to declare war and issue money for the United States.
- Under the Constitution, Congress may not delegate its lawmaking responsibilities to any other agency.



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- Congressional legislation forms a general framework.
- The statutes are found in the United States Code.



The Executive Branch



- The executive power is vested in the President.
- The principal responsibility is to "take care that the laws be faithfully executed."



**The Executive
“breathes life” into the
law by publishing
regulations**

Who writes the regulations?

The Agency (HQ Personnel)



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Code of Federal Regulations



DHS has created extensive regulations for implementing our existing immigration legislation.

New or amendments to regulations are first published in the Federal Register



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The Judicial Branch



- Federal Circuit Court & Supreme Court decisions impact how we do business.
- Checks & Balances (Executive and Legislative)



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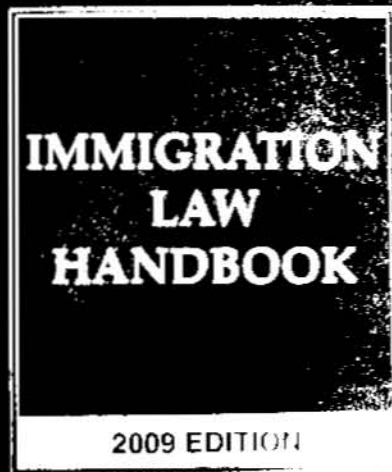
AGENCY DIRECTIVES OR POLICIES

DRA will also be impacted by:

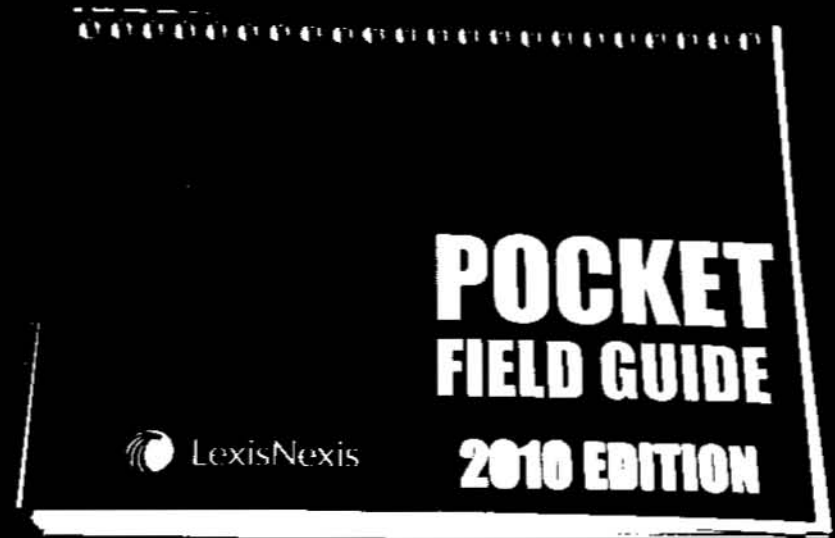
- DHS & ICE Delegation Orders;
- DRO Organizational Orders; and
- DHS/ICE directives and policies



Your Primary Resources



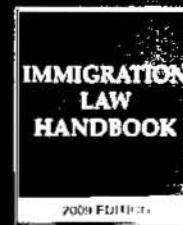
 LexisNexis



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What does the... give you?



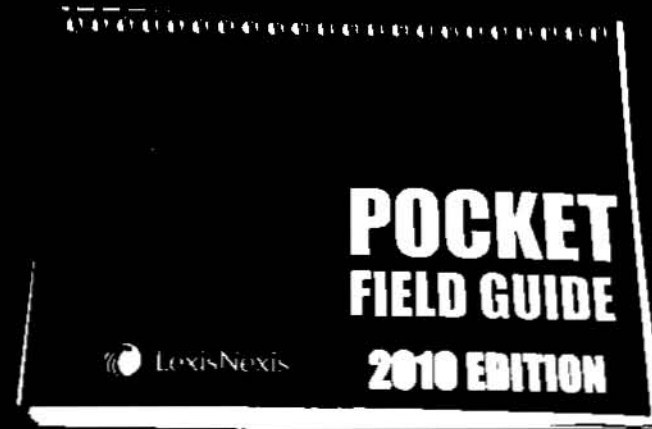
- Titles 8 and 18 of
U.S. Code



- Titles 8 and 22 of
the C.F.R.



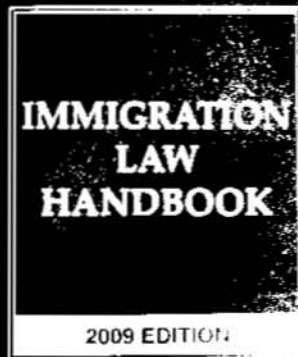
What does the... give you?



- A condensed, abbreviated version of applicable U.S. immigration law, rules, and regulations.
- It is not a definitive reference.
- It is not intended to replace the applicable law, rules, and regulations.
- Start here... but finish with source material



How are Title 8 U.S. Code and the INA related?

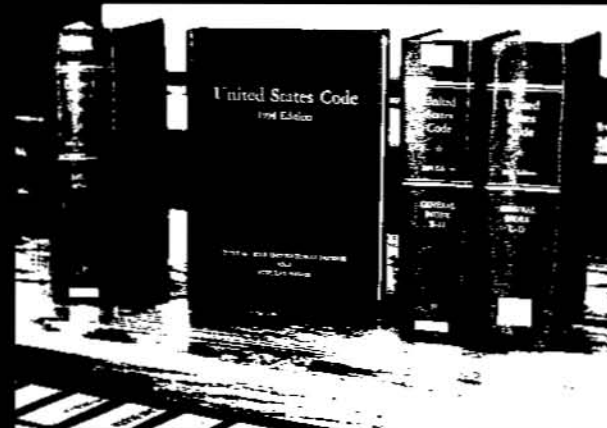


LexisNexis

INA



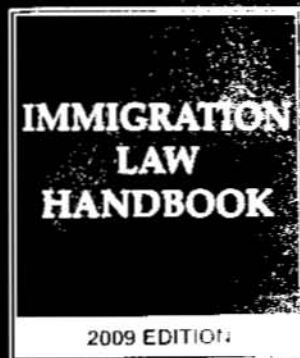
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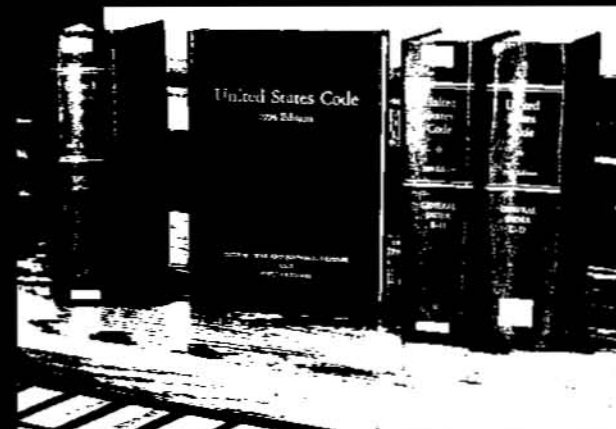
Title 8 U.S. Code

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They Are One and the Same



=



Title 8 U.S. Code

INA



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When the INA of 1952 was passed... what was hot?



U.S. Immigration
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INA of 1952

Over time - changed or amended

LOOK AT PAGE 9 OF YOUR IMMIGRATION LAW HANDBOOK

- IMMACT Immigration Act of 1990
- MTINA Miscellaneous and Technical Immigration and Naturalization Amendments of 1991
- VCCLEA Violent Crime Control and Law Enforcement Act of 1994
- INTCA Immigration and Naturalization Technical Corrections Act of 1994
- AEDPA Antiterrorism and Effective Death Penalty Act of 1996
- IIRIRA Illegal Immigration Reform and Immigrant Responsibility Act of 1996

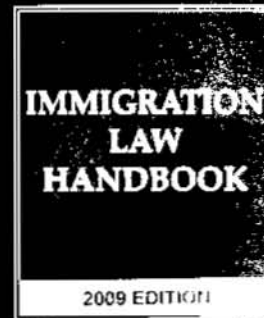


What is in the INA?

- **Titles (I-IV)**
- **Chapters (II, III, and IV)**
- **Sections (§§101 - 507)**
 - **Concurrent Title 8 U.S. Code citation.**
- **Citing the Law:**
 - **Inside DHS (ICE, CBP, & CIS) → INA**
 - **To outside agencies → Title 8**



Lets check the



out

Find "Title I – GENERAL PROVISIONS"



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Figure it out!

§ = Section symbol

§ 101. [?] Definitions

§ 101. [8 U.S.C. § 1101] Definitions

§ 101 (?)

§ 101 (“little alpha”)

§ 101 (a) (?)

§ 101 (a) (number)

§ 101(a)(13) (?)

§ 101 (a)(13)(“LARGE ALPHA”)

§ 101(a)(13)(C) (?)

§ 101(a)(13)(C)(“little Roman numerals”)



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Did you happen to notice the order of the terms defined in §101(a) of the Act?

Definitions are in alphabetical order!



Look up the term: Aggravated Felony

Opps! It is not there! WHY?

**The term was added into the law long past
1952!**



Not all Definitions are in §101(a)!

Look up: §101(f) of the INA

What did you find?

Where is the term “good moral character” an important concept in immigration law?

NATURALIZATION!



Remember that Statute and Regulation go Hand in Hand!

Find: §214 of the Act
About how many pages? **12**

Find: §214.1 thru 214.15 in 8 C.F.R.
About how many pages? **121**



Important Enough to



- §101 of the Act – Definitions
- §208 of the Act – Asylum
- §212 of the Act – Inadmissible Aliens
- §217 of the Act – Visa Waiver
- §237 of the Act – Deportable Aliens
- §240 of the Act – Removal Proceedings
- §299.1 of 8 C.F.R. – List of “I” Forms
- §499.1 of 8 C.F.R. – List of “N” Forms
- §41.12 of 22 C.F.R. – Nonimmigrants
- §42.11 of 22 C.F.R. – Immigrants



CHARGES OF REMOVABILITY

(§212 vs §237)



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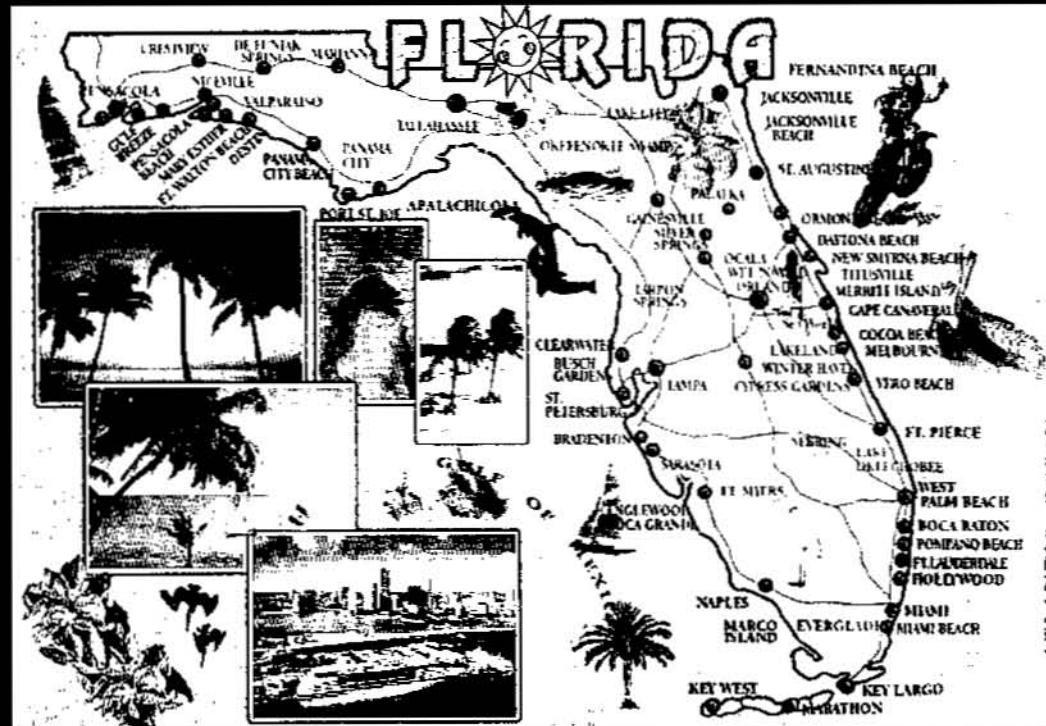
Section 212(a) INA - Grounds of Inadmissibility

- CBP Officers at POE conducting immigration inspections to keep undesirable aliens out of the U.S.
- To process individuals:
 - paroled into the U.S. after inspection, or
 - found present in the U.S. without inspection (PWI)



CBP Officers at ports-of-entry conducting immigration inspections

(b)(6),(b)(7)(C)



REVERSE



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Applicant for Admission



Arrives at POE
Land - Sea - Air

Every person that seeks entry into the US is presumed to be an alien until they can establish US citizenship or US national status



Examination
CBP Officer



USC
Birth
Acquisition
Derivation
Naturalization



Alien
INA § 101(a)(3)
Any person not a USC
or National of the US



INSPECTION



Immigrant

Non-



**An alien's
presumed status
unless and until
he can prove
otherwise**



STOP!
USC is not
inspected



**U.S. Immigration
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Section 237 INA Deportable Aliens

- To process aliens found in the interior of the U.S. who were:
 - examined, inspected, and lawfully admitted into the U.S., or
 - those whose status was adjusted while in the U.S.



Inadmissibility (§212)

vs.

Deportability (§237)

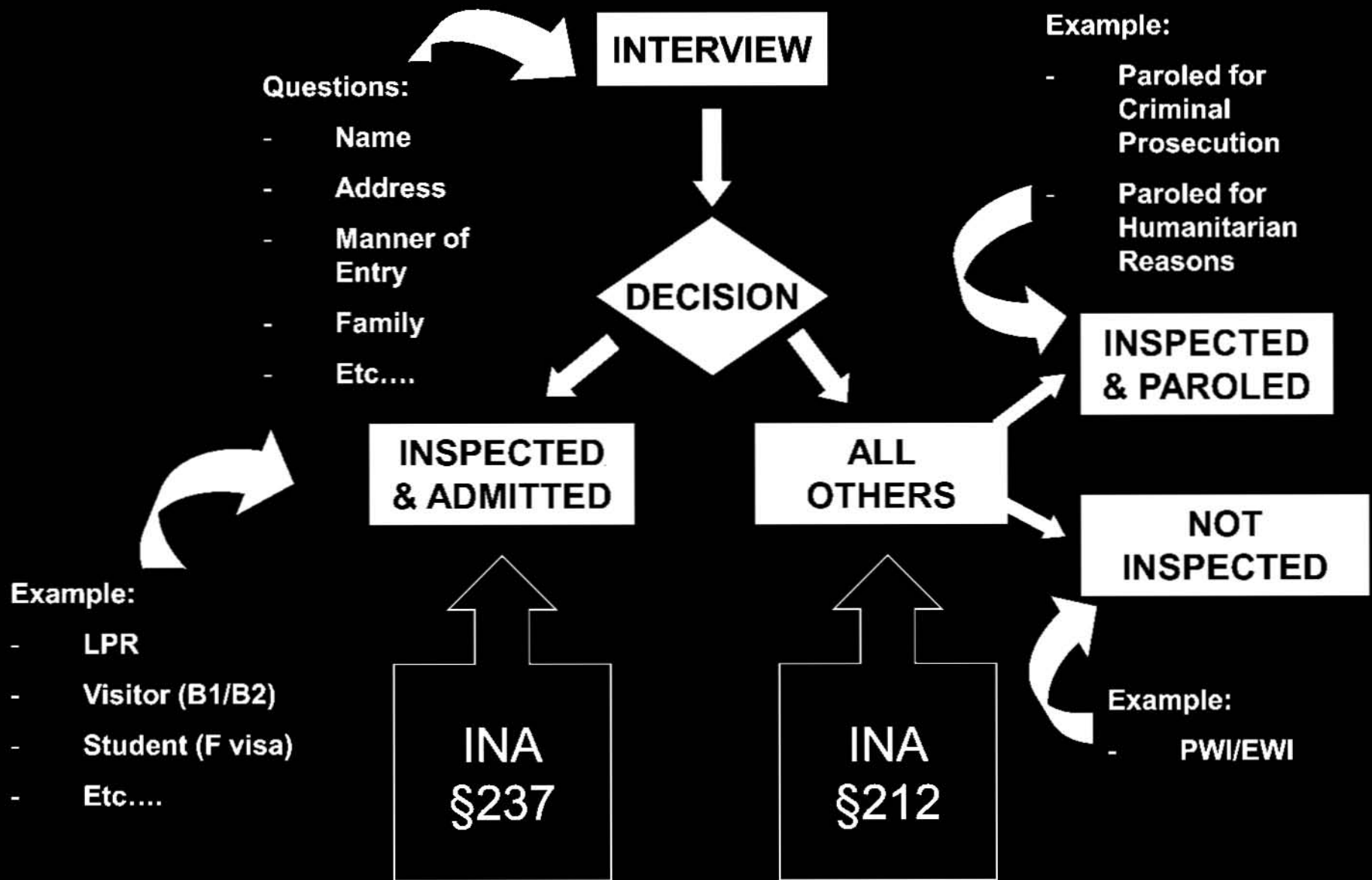
Key Question: Has the alien been inspected & admitted?



**U.S. Immigration
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ANALYSIS OF REMOVAL CHARGE PROCESSING



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INADMISSIBILITY

(§212 of the INA)



Person at POE



PWI



All Possible Grounds of Inadmissibility

- **212(a)(1) - Health**
- **212(a)(2) - Criminal**
- **212(a)(3) - Security**
- **212(a)(4) - Public Charge**
- **212(a)(5) - Labor Certification**
- ***212(a)(6) - Illegal Entrants (PWIs)***
- **212(a)(7) - Documentary Requirements**
- **212(a)(8) - Ineligible for Citizenship**
- **212(a)(9) - Unlawful Presence**
- **212(a)(10) - Miscellaneous**



Criminal Grounds - INA §212(a)(2)

- **212(a)(2)(A)(i)(I)** – Crimes Involving Moral Turpitude
- **212(a)(2)(A)(i)(II)** – Controlled Substance Violations
- **212(a)(2)(B)** – Multiple Criminal Convictions
- **212(a)(2)(C)** – Drug Trafficking
- **212(a)(2)(D)(i)** – Prostitution
- **212(a)(2)(D)(ii)** – Proceeds of Prostitution
- **212(a)(2)(E)** – Asserted immunity
- **212(a)(2)(G)** – Religious Freedom Violators
- **212(a)(2)(H)** – Trafficking in Persons
- **212(a)(2)(I)** – Money Laundering



Crimes Involving Moral Turpitude (“CIMT”)

INA § 212(a)(2)(A)(i)(I)

- Any alien;
 - Convicted of, or
 - Who admits having committed, or
 - Who admits committing acts
- which constitute the essential elements of:
 - A crime involving moral turpitude (other than a purely political offense) or
 - An attempt or conspiracy to commit such a crime.



CIMT “Statutory Exception”

INA § 212(a)(2)(A)(i)(I):

- “. . . (other than a purely political offense)”

Purely political offense:

1. Defined in DOS regulations.

2. Includes offenses:

- conviction obviously based on fabricated charges or
- predicated on repressive measures against racial, religious, or political minorities.



CIMT “Statutory Exceptions”

INA § 212(a)(2)(A)(ii)(I):

Applies if committed:

- 1 CIMT;
- Under 18 YOA; and
- More than 5 years before
 - Date of application for
 - visa
 - admission
 - or
 - Adjustment of status

INA § 212(a)(2)(A)(ii)(II):

Applies if committed:

- 1 CIMT;
- 1 year maximum penalty possible; and
- _____, sentence imposed did not exceed 6 months (regardless of the time actually served).



What is Moral Turpitude?

Conduct that is:

- Bad
- Evil
- Vicious
- Wretched
- Vile
- Depraved



CIMT CASE LAW

- Reckless conduct or a conscious disregard of substantial risk can equal moral turpitude.

Matter of Wojtkow, 18 I&N Dec. 111 (BIA 1981); Matter of Medina, 15 I &N Dec. 611 (BIA 1976), aff'd sub nom. Medina-Luna v. INS, 547 F.2d 1171 (7th Cir. 1977).

- Crimes involving negligent conduct, where the offender failed to be aware of a substantial risk involved in the conduct, are to involve moral turpitude. Matter of Perez-Contreras, 20 I&N Dec. 615 (BIA 1992).



U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Field Office Directors AUG 3 2006

FROM: John P. Torres
Acting Director

A handwritten signature in black ink, appearing to read "John P. Torres".

SUBJECT: **Operation Secure Streets – Directive and Guidance**

This Memorandum serves to provide directive and guidance for Operation Secure Streets, an operation developed to address illegal aliens convicted of violations of local driving under the influence laws in your respective areas of responsibility (AORs).

The 23 Field Office Director (FOD) offices shall conduct threat assessments to identify the scope of the problem in their AORs. The Headquarters Detention and Removal Operations (HQDRO) Compliance Enforcement Division (CED) will coordinate with the FODs to develop a five-step process for implementation of Operation Secure Streets, to ensure uniformity and consistency in identifying and prioritizing targets and establish coordination between ICE DRO and other law enforcement agencies.

The Five-Step process, explained in detail below, will be used to identify threats and obtain intelligence, analyze/exploit intelligence, prioritize targets and coordinate with U.S. Attorneys and law enforcement partners, to commence enforcement actions against illegal aliens convicted of violating the drunken driving laws in your AOR.

Step 1 - Identify Threats and Obtain Intelligence:

Effective immediately, FOD Offices shall contact all local law enforcement, probation and parole offices within their AOR to obtain electronic lists of foreign born persons convicted of drunk driving offenses. These lists shall then be forwarded to the Law Enforcement Support Center (LESC) and the Fugitive Operations Support Center (FOSC) for assessment.

Step 2 - Analyze/Exploit Intelligence:

The Fugitive Operations Unit (Fug Ops) within the HQCED shall coordinate the simultaneous collection of the data described in Step 1 with LESC and FOSC. FOSC exploits the data for potential commercial database leads and establishes links and relationships within the data. The LESC runs the data against various ICE and commercial databases in order to identify potential violations under ICE's jurisdiction. The FOSC and LESC work product shall be analyzed and packaged as target folders.

Step 3 - Prioritize Targets:

As target folders are completed, Fug Ops will forward them to the respective FODs for action. The FODs shall prioritize the target folders based on the above analysis and any additional information developed locally. The aliens are NOT limited to those possessing final orders of removal and shall be prioritized as follows:

1. Aliens amenable to removal with prior aggravated drunk driving convictions.
2. Aliens amenable to removal with arrest records indicative of recidivist drunk driving.
3. Aliens amenable to removal with substance-impaired driving convictions.
4. Aliens previously convicted of drunk driving who may be prosecuted for a federal or local violation of law.
5. Aliens amenable to removal without criminal convictions, but who have been previously arrested for alcohol-related or drug-related driving offenses.

If at any time during the process targets are identified as imminent threats to national security or public safety, FODs will initiate immediate enforcement action on those targets.

Step 4 - Coordination with U.S. Attorneys and Law Enforcement Partners:

Upon completion of target prioritization, the FODs shall meet with their respective U.S. Attorneys, brief them on Operation Secure Streets, and seek prosecution as appropriate for those subjects targeted for criminal arrest. FOD offices shall contact federal, state and local law enforcement agencies to ensure coordination and cooperation of enforcement actions.

Step 5 - Enforcement Actions:

Following coordination and cooperation with partner law enforcement agencies, the FODs shall commence enforcement actions to apprehend aliens amenable for removal and/or for existing violations of law. These arrests will be made in the prioritized order listed in Step 3 and will serve as an opportunity to develop sources of information.

Information and intelligence developed during debriefing of gang members should be exploited and utilized for subsequent enforcement actions.

Taskings: All Department of Homeland Security Counterpart Offices

All FODs are directed to contact their respective counterpart at Office of Investigations (OI) and the Border Patrol Chiefs and Port Directors at Customs and Border Protection (CBP) to brief them on Operation Secure Streets, and to establish local protocols for FOD notification when an illegal alien drunken driver is encountered by OI or CBP.

Reporting Requirements:

Operation Secure Streets is expected to receive significant attention from Assistant Secretary Myers and ICE HQ is required to prepare a weekly update on its progress and success.

Therefore, the results of this operation shall be provided in the National Fugitive Operations Program Weekly Report, which is revised to allow for Operation Secure Streets reporting. In addition, all Operation Secure Streets activity shall be entered and captured in the operational field within the Fugitive Case Management System (FCMS).

It is essential that **all** FODs provide timely notification of **all** activity involving apprehensions conducted under the auspices of this operation. Advanced telephonic notification and an A/S Note stating impending enforcement activities relating to this operation shall be made by the Assistant Field Office Director (AFOD) or Deputy Field Office Director (DFOD) to Fugitive Operations Unit Chief at (202) 616-(b)(6) or Fugitive Operations Staff Officer Sean Gallagher at (202) 616-(b)(6) **24 hours** prior to commencement of the activity. Upon completion of the enforcement action, the AFOD/DFOD shall electronically notify Program Manager (b)(6),(b)(7)(C) Special Assistant (b)(6),(b)(7)(C) (202) 616-(b)(6) of the results of the activity. This procedure is in addition to normal reporting requirements through the Significant Event Notification system and is required for all FOD offices.

When appropriate and warranted, FODs shall utilize their local public affairs officers to highlight the successes of Operation Secure Streets. In addition, FODs should utilize existing ICE Attaché offices to further enforcement actions or enhance coordination with foreign counterparts by coordinating with Tammy Cyr, acting Unit Chief of the Travel Document Unit.

Any comments or questions regarding Operation Secure Streets should be directed to Deputy Assistant Director (b)(6),(b)(7)(C) Compliance Enforcement Division, at (202) 616-(b)(6)

Law Enforcement Sensitive — For Official Use Only

Office of Detention and Removal Operations

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

NOV 08 2007

MEMORANDUM FOR Assistant Directors
 Deputy Assistant Directors
 Field Office Directors

FROM: John P. Torres
 Director

A handwritten signature in black ink, appearing to read "John P. Torres".

SUBJECT: "Operation Cross Check – Directive"

This memorandum serves to provide direction for the implementation of "Operation Cross Check."

Through targeted enforcement and alignment of resources, U.S. Immigration and Customs Enforcement (ICE) National Fugitive Operations Program (NFOP) has conceived and implemented focused enforcement efforts targeting specific populations of aliens. The two major enforcement efforts being conducted by Fugitive Operations Teams (FOT's) nationwide are "Operation Return to Sender" and "Operation Secure Streets."

The objective of "Operation Return to Sender" is to apply a methodical approach to the location and apprehension of ICE fugitive cases concentrated in specific geographical areas. The objective of "Operation Secure Streets" is to locate and apprehend ICE fugitives, and illegal aliens who have been convicted of violations concerning operating a motor vehicle while under the influence.

"Operation Cross Check" will serve as the operational umbrella for all other focused enforcement efforts conducted by FOT's that target other, specific alien populations, such as aliens working in specific industries, aliens from specific countries, or aliens who have been convicted of specific crimes. The nature of an "Operation Cross Check" effort may be predicated on national events or situations unique to your particular Area of Responsibility (AOR); requests by ICE counterparts or other valid agencies; or directives from a Detention and Removal Operations (DRO) component.

Information for an "Operation Cross Check" initiative will be received from a variety of sources, including Headquarters (HQ) DRO entities; local, state and other federal sources; the Law Enforcement Support Center (LESC); the Fugitive Operations Support Center (FOSC); and any other valid source.

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<http://www.ice.gov>

Subject: Operation Cross Check — Directive and Guidance

Page 2

Field Offices shall develop primary target lists and ensure that the lists are queried in the various ICE indices to ensure de-confliction with the Office of Investigations (OI). Field Offices will coordinate with the Fugitive Operations Support Center (FOSC) and the Detention Operations Coordination Center (DOCC) prior to implementing all "Operation Cross Check" initiatives. This process will ensure consistency in prioritizing targets, and enhance coordination between ICE DRO and other law enforcement agencies.

Planning and execution of Operation Cross Check consists of five steps: (1) development of primary target lists, (2) analysis and exploitation of data, (3) prioritization of targets, (4) coordination with the U.S. Attorney's Offices, and 5) commencement of enforcement actions against removable aliens.

Step 1 - Develop Primary Target Lists:

Field Offices shall utilize local law enforcement contacts and other valid sources to obtain electronic lists of foreign-born persons within their respective AOR's who meet the operation's specific criteria. The primary target list shall be queried into Treasury Enforcement Communication System (TECS) to ensure OI de-confliction. The list will then be forwarded to the FOSC for an initial assessment.

Step 2 — Analyze and Exploit Target Lists:

The FOSC shall review the information and compare it to law enforcement and commercial databases to develop lists of potential targets. The FOSC will then forward the target list to the appropriate Field Office for action.

Step 3 - Prioritize Targets:

Upon receipt of the list from the FOSC, FOT's will prioritize targets utilizing the following NFOP criteria:

1. Aliens with a nexus to terrorism
2. Fugitive aliens with criminal convictions
3. Non-fugitive aliens with criminal convictions
4. Other fugitive aliens
5. Aliens amenable to prosecution for federal or local violation(s) of law, and other removable aliens.

Field Offices shall initiate immediate enforcement action on any alien who is identified as an imminent threat to national security or public safety.

Step 4 - Coordinate with U.S. Attorneys and Law Enforcement Partners:

Upon prioritizing the target lists, Field Office Directors (FOD's) shall meet with their respective U.S. Attorney's Office (USA's). These meetings will serve to brief the USA's on Operation Cross Check and solicit prosecution, as appropriate, of subjects targeted for

Subject: Operation Cross Check - Directive and Guidance

Page 3

criminal arrest FOD's shall also contact federal, state, and local law enforcement agencies to ensure cooperation with and coordination of enforcement actions.

Step 5 - Commence Enforcement Actions:

Following coordination with partner law enforcement agencies, the FOD's shall commence enforcement actions to arrest aliens amenable to removal and aliens who are already involved in the process of removal. These arrests will be made in the prioritized order listed in Step 3, and will serve as an opportunity to develop sources of information and obtain intelligence that shall be shared with appropriate ICE counterparts.

Taskings: Coordination with U.S. Department of Homeland Security Counterparts

FOD's are directed to contact and brief their respective counterparts at the Office of Investigations (OI) and Customs and Border Protection (CBP) on planned enforcement actions.

Reporting Requirements:

Prior to the initiation of any enforcement action, an operational plan shall be forwarded to the HQ Fugitive Operations Unit for review. Upon HQDRO approval, an AS Note detailing the impending enforcement activities will be prepared by the Assistant Field Office Director (AFOD) or Deputy Field Office Director (DFOD) and sent to the HQ Fugitive Operations Unit. The Field Office is also required to provide the DOCC and FOSC with a copy of the approved operational plan. These procedures are in addition to the normal reporting requirements of the Significant Event Notification (SEN) system.

All "Operation Cross Check" activity must be entered in the Fugitive Case Management System (FCMS), utilizing the option "Operation Cross Check" in the Operations field. The results of "Operation Cross Check" shall be included in the National Fugitive Operations Program Weekly Report. It is essential that all FOD's provide timely notification of all arrests and other activities conducted under the auspices of this operation. In addition, it is imperative that arrest statistics be forwarded daily to the HQ Fugitive Operations Unit during the course of the operation, via the HQDRO, FUGOPS mailbox.

Any comments or question regarding Operation Cross Check should be directed to

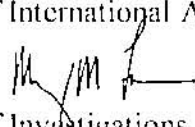
(b)(6),(b)(7)(C) National Fugitive Operations Program Unit Chief, at (202) 616 (b)(6),



U.S. Immigration
and Customs
Enforcement

APR 15 2008

MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Special Agents in Charge
Director, Office of International Affairs

FROM: Marcy M. Forman 
Director, Office of Investigations

SUBJECT: Reorganization of the Headquarters Human Rights Violators & Public Safety Unit/Creation of the ICE National Gang Unit

Effective April 27, 2008, the Human Rights Violators & Public Safety Unit will cease to exist. The Human Rights Violator Program will be replaced by the Human Rights Violators & War Crimes Unit (HRVWCU). The Public Safety Unit will be replaced by the ICE National Gang Unit.

A review of the Office of Investigations (OI) programs within the Financial, Narcotics, and Public Safety Division at Headquarters has confirmed the need for a reorganization of the Human Rights Violators & Public Safety Unit. The complexity and sensitivity of human rights violator investigations, and the growth and proliferation of transnational criminal street gangs dictates the need for separation of the two distinct OI programs within Headquarters to more efficiently manage and direct national efforts.

The ICE National Gang Unit will oversee the following major operational and programmatic areas:

- Operation Community Shield (OCS)
- Nationally coordinated ICE Specialized Urban Response Gang Enforcement (SURGE) operations
- Racketeering Influenced Corrupt Organization (RICO) gang investigations
- Violent Crimes in Aid of Racketeering (VICAR) gang investigations
- Criminal gang investigations
- ICEGangs database

Under OCS, ICE partners with law enforcement agencies at the federal, state, and local level, both in the United States and abroad, to develop a comprehensive and integrated approach in conducting criminal investigations and other law enforcement operations against transnational street gangs. The objective of OCS is to identify these criminal organizations and develop intelligence on their membership, associates, illicit activities and international movements. OCS seeks to deter, disrupt and dismantle gang operations by tracing and seizing cash, weapons and other assets derived from criminal activities. Complex criminal investigations focusing on gang enterprise and organizational structure, as well as coordinated SURGE operations aimed at creating an immediate disruption to the gang's daily operations result in the criminal prosecution and/or the administrative removal of gang members from the United States. ICE agents also routinely collaborate with our Attaché offices and foreign law enforcement counterparts in sharing intelligence and conducting coordinated enforcement operations against the criminal gang enterprise.

The programmatic areas include the following (b)(7)(E) investigative program codes:

- (b)(7)(E) OCS
- (b)(7)(E) Other Gang
- (b)(7)(E) Collateral, Non-Gang Member
- (b)(7)(E) Norteno
- (b)(7)(E) Florencia 13
- (b)(7)(E) Tiny Rascal
- (b)(7)(E) Asian Boyz
- (b)(7)(E) Jamaican Posse
- (b)(7)(E) Surenos
- (b)(7)(E) Hells Angels
- (b)(7)(E) Outlaws
- (b)(7)(E) Brown Pride
- (b)(7)(E) 18th Street
- (b)(7)(E) Latin Kings
- (b)(7)(E) Vatos Locos
- (b)(7)(E) Mexican Mafia
- (b)(7)(E) La Raza
- (b)(7)(E) Border Brothers
- (b)(7)(E) Mara Savatrucha (MS-13)

Please ensure that this investigative program reorganization memorandum is forwarded to all OI personnel within your area of responsibility. If you have any additional questions, please contact Acting Unit Chief of the ICE National Gang Unit (b)(6),(b)(7)(C) at (b)(6),(b)(7)(C) or

(b)(6),(b)(7)(C)

A Message from Peter T. Edge, Deputy Executive Associate Director

To all Special Agents-in-Charge

April 10, 2013

ICE Training and Policy Statement

It is important to comply with existing law and ICE policy regarding the conduct of law enforcement operations. This memorandum addresses three particular aspects of enforcement operations that officers and agents should keep in mind.

First, all ICE officers and agents are reminded that in consent-based home operations, they cannot enter the curtilage or areas around a home where there is a reasonable expectation of privacy, unless they obtain consent to do so. This is consistent with ICE's policies as well as the training that federal officers and agents receive at FLETC. Attached for your reference is a sample FLETC lesson plan explaining the concept of "curtilage," which is defined as private property where one has a reasonable expectation of privacy (for example, a backyard surrounded by a six-foot privacy fence).

Second, officers and agents are reminded that, in accordance with the Supreme Court's decision in Maryland v. Buie, protective sweeps are permitted only where there is a reasonable, articulable suspicion of danger, and protective sweeps cannot be conducted upon entry of a home without such reasonable, articulable suspicion. As above, this is a generally applicable rule that applies not only to ICE, but to all federal officers and agents. For your reference, attached is a portion of the HSI Search and Seizure Handbook dated August 18, 2010 that discusses not only protective sweeps, but also curtilage and other Fourth Amendment issues such as the scope of consent and the reasonable expectation of privacy.

Third, officers and agents are reminded that consent to enter or search a private residence must be sought in language understood by the resident of the residence granting consent whenever feasible, and one or more Spanish-speaking officers must be available to seek such consent where the target is thought to be from a Spanish-speaking country. Additionally, for consent-based home operations, ICE makes reasonable efforts to make available an agent or officer proficient in the language spoken by the target. Thus, the documentation for the operation should reflect the language used in seeking to obtain consent.

A Message from Thomas D. Homan, Deputy Executive Associate Director

To all Field Office Directors

April 10, 2013

ICE Training and Policy Statement

It is important to comply with existing law and ICE policy regarding the conduct of law enforcement operations. This memorandum addresses three particular aspects of enforcement operations that officers and agents should keep in mind.

First, all ICE officers and agents are reminded that in consent-based home operations, they cannot enter the curtilage or areas around a home where there is a reasonable expectation of privacy, unless they obtain consent to do so. This is consistent with ICE's policies as well as the training that federal officers and agents receive at FLETC. Attached for your reference is a sample FLETC lesson plan explaining the concept of "curtilage," which is defined as private property where one has a reasonable expectation of privacy (for example, a backyard surrounded by a six-foot privacy fence).

Second, officers and agents are reminded that, in accordance with the Supreme Court's decision in Maryland v. Buie, protective sweeps are permitted only where there is a reasonable, articulable suspicion of danger, and protective sweeps cannot be conducted upon entry of a home without such reasonable, articulable suspicion. As above, this is a generally applicable rule that applies not only to ICE, but to all federal officers and agents.

Third, officers and agents are reminded that consent to enter or search a private residence must be sought in language understood by the resident of the residence granting consent whenever feasible, and one or more Spanish-speaking officers must be available to seek such consent where the target is thought to be from a Spanish-speaking country. For your reference, attached is a memorandum entitled "Documentation of Consent to Enter and Search," dated January 19, 2010. The memorandum instructs ERO officers to fill out Field Operations Worksheets (FOWs) and document consent to search on both the FOW and the I-213. Additionally, for consent-based home operations, ICE makes reasonable efforts to make available an agent or officer proficient in the language spoken by the target. Thus, the documentation for the operation should reflect the language used in seeking to obtain consent.



U.S. Immigration
and Customs
Enforcement

JUL 31 2008

MEMORANDUM FOR: All Special Agents in Charge

FROM: Marcy M. Forman 
Director

SUBJECT: Case Management Oversight

The Office of Professional Responsibility's Management Inspections Unit has recently conducted inspections in several Office of Investigations (OI) offices. The inspections revealed issues related to the organization and structure of case files, the timeliness of reports, the accuracy of case chronologies, the absence of first-line supervisor comments on the review sheets, and documentation maintained in the case files related to seized items.

Case management is critical to the accurate and timely tracking of the investigations OI conducts in support of its mission. On February 1, 2008, the OI Case Management Handbook (OI HB 08-02) was published and forwarded to all headquarters and field offices; it provides a single source of policy and responsibilities for OI Special Agents and other OI personnel when using Case Management.

The Case Management Handbook establishes the minimum timeframes for all supervisory reviews of case actions. Specifically, Chapter 3 addresses the roles and responsibilities of case agents, first-line supervisors, mid-level field managers, and Special Agents in Charge (SACs).

Case agents' responsibilities include:

- Accuracy of Information
- Timely Completion of Reports
- Timely Entry of Hours and Statistics
- Completeness of Case Files
- Proper Storage and Security of Files
- Completeness and Update of Subject Records

First line supervisors' responsibilities include:

- Verifying Adherence to Policies and Procedures
- Promptly Reviewing and Approving/Disapproving Report, Statistics, and Hours
- Evaluating the Necessity of Collateral Requests
- Providing Advice and Direction
- Conducting Periodic Case Reviews

Mid-level field managers' responsibilities include:

- Verifying Adherence to Policies and Procedures
- Establishing Local Office Policies
- Coordinating Office and SAC Communications

SACs' responsibilities include:

- Maintaining Oversight of Policies and Procedures
- Establishing Policies within their Areas of Responsibility (AOR)
- Coordinating Headquarters and Field Communications

SACs are reminded that the Handbook includes a provision that allows them to mandate more stringent supervisory reviews more frequently than the Handbook requires. I strongly encourage all SACs to review their offices' compliance with the requirements set forth in the Case Management Handbook and, if they deem it necessary, adopt the above remedial measures. It is the ultimate responsibility of each SAC to ensure that all case management functions are completed within the mandated timeframes and in accordance with the guidelines prescribed by the Case Management Handbook and related OI policy documents.

In addition, effective immediately, all SACs are required to remind all managers in their AOR of the critical need to adhere to all the provisions set forth in the Case Management Handbook. SACs are also required to mandate that all Special Agents and all supervisors and managers re-read the Case Management Handbook and that they acknowledge in writing that they have done so by sending an email or memorandum to their immediate supervisor. Supervisors, in turn, will notify their chain of command, of the completion of this requirement.



U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

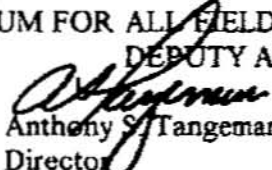
HQDRO 50/12.8

Office of the Director

801 I Street NW
Washington, DC 20536

AUG 21 2002

MEMORANDUM FOR ALL FIELD OFFICE DIRECTORS
DEPUTY ASSISTANT DIRECTOR FOR FIELD OPERATIONS

FROM: 
Anthony S. Tangeman
Director
Office of Detention and Removal

SUBJECT: Revision of Chapter 19 Title and Realignment of the Section Titles of the
Detention and Deportation Officer's Field Manual (DDFM)

The title of Chapter 19 is changed and the Section titles are realigned. Accordingly the DDFM is changed as follows:

**Chapter 19: Special Operations: Fugitive Operations, Alien Absconder Initiative,
Law Enforcement Support Center/Resolution Unit and Custody
Review Unit**

- 19.1 Fugitive Operations: Introduction and Background
- 19.2 General Policies
- 19.3 Pursuit Policy
- 19.4 Case Assignment, Preparation and Management
- 19.5 Field Operations/Tactics
- 19.6 Fugitive Operations Reporting Requirements
- 19.7 Confidential Informants
- 19.8 Prosecutions
- 19.9 Bureau of Immigration and Customs Enforcement (ICE) Most Wanted Program
(formerly 19.5)
- 19.10 LESC/NCIC/Other Source Responses
- 19.11 Liaison/ Task Forces
- 19.12 Tactical Communications
- 19.13 Uniforms and Equipment

Subject: Change to Title of Chapter 19 and Realignment of Section Titles

- 19.14 National Fugitive Operations Program Data Directory System (NFOP Directory or NOFPD)
- 19.15 – 19.19 Reserved
- 19.20 National Automated Immigration Lookout System (NAIIS) and Deportable Alien Control System (DACS) Absconder Interface (Previously 19.4)
- 19.21 – 19.24 Reserved
- 19.25 Law Enforcement Support Center/ Resolution Policy and Procedure
- 19.26 – 19.29 Reserved
- 19.30 Custody Review Unit Policy and Procedure

Questions concerning this chapter should be directed to the Chief, Fugitive Operations Branch by telephone at 202-353-(b)(6) or email at: (b)(7)(E) found in the email directory at: (b)(7)(E)



U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

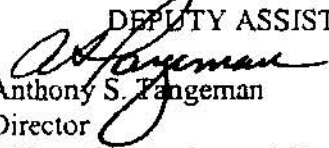
HQDRO 50/12.8

Office of the Director

801 I Street NW
Washington, DC 20536

AUG 21 2003

MEMORANDUM FOR ALL FIELD OFFICE DIRECTORS
DEPUTY ASSISTANT DIRECTOR FOR FIELD OPERATIONS

FROM: 
Anthony S. Tangeman
Director
Office of Detention and Removal

SUBJECT: Addition of Chapter 19, Section 1 (Introduction to Fugitive Operations Policy and Procedure Manual and Historical Perspective) of the Detention and Deportation Officer's Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 1, Chapter 19. Accordingly the DDFM is changed as follows:

19.1 Introduction to Fugitive Operations Policy and Procedure Manual and Historical Perspective

Deportation officers manage dockets of aliens placed into proceedings by the primary enforcement programs of the Bureaus of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP)¹. In an effort to stop the increase in the number of fugitives, the Commissioner of INS and the Attorney General signed *The National Detention, Transportation and Removal Plan* on June 27, 1995. The plan called for the creation of "abscondee removal teams".

The 1996 Appropriations Bill provided funding for 142 enhancement positions within the then Detention and Deportation (D&D) Program. While the positions were identified specifically for the "abscondee" or fugitive teams called for in the 1995 plan, the bill did not mandate the use of these positions for fugitive operations. Because there was no operational mandate, the positions were filled and absorbed into day-to-day D&D operations.

¹ Investigations, Border Patrol and Inspections. Cases also come to us from Asylum Offices and the Bureau of Citizenship and Immigration Services (BCIS).

On August 30, 1998, the legacy INS Executive Associate Commissioner for Field Operations signed the *Fugitive Apprehension Operations, Detention & Deportation Operations Unit Planning Initiative*. Again the creation of fugitive operations teams nationally as well as specific training necessary to accomplish the mission were called for in the latest plan. While the training was initially provided, the program again suffered from a lack of sufficient priority and focus. The training was discontinued and no teams were established.

With the terrorist attacks on September 11, 2001, the fugitive problem was brought to the forefront. Congress passed the landmark PATRIOT ACT on October 25, 2001. This legislation and the Deputy Attorney General's Absconder Apprehension Initiative (AAI) made the apprehension of absconders, or fugitives, a priority. The use of the National Crime Information Center (NCIC) as a force multiplier was an early goal of the AAI, calling for the placement of over 300,000 fugitives into NCIC.

The AAI designated the Law Enforcement Support Center (LESC) as the vehicle for placing fugitives into NCIC. Because some files were not complete and/or required additional preparation, Headquarters, Detention and Removal (HQDRO) established a 'Resolution Unit (LESC/RU)²' at the LESO to review and prepare files for inclusion into NCIC.

The PATRIOT ACT also provided supplemental funding and authorized an enhancement of 40 positions. This time the mandate was clear. These positions were to be used for the creation of dedicated fugitive operations teams. Headquarters designated seven cities³ for the initial eight teams.

Since then, HQDRO has received a FY 2003 enhancement that will allow for the addition of nine more teams⁴. A new training program has been established and chartered with not only providing training for all HQ designated teams but also every officer within DRO.

This Policy and Procedure Manual replaces all previously issued policies and standard operating procedures issued concerning the National Fugitive Operations Program (NFOP). Field Offices should provide local policy and procedure that compliment this manual. Local policies shall not be restrictive in their content but reflect local circumstances that could affect fugitive operations (FugOps). The intended goal of this manual is the elimination of backlog fugitive (formerly called Bag & Baggage) cases by the conclusion of Fiscal Year 2009.

² The LESO/RU is currently staffed with a rotating group of detailed Deportation Officers.

³ Newark, Detroit, Chicago, Miami, Los Angeles, and San Francisco each received one team. New York received two teams.

⁴ Boston, Baltimore, Atlanta, Houston, Seattle, Cherry Hill, NJ, Richmond, VA, Rock Island, IL, and the LESO/RU have been designated to receive one team each. Los Angeles has been designated to receive a second team.

Field Office Directors (FODs) shall conduct local FugOps in accordance with this manual. This manual is a living document subject to regular review and change by the Chief, Fugitive Operations Branch (FOB) every two years. However, should field officers find sections of this manual that need update or change, they are encouraged to submit their ideas in writing through the chain of command.



U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

HQDRO 50/12.8

Office of the Director

801 I Street NW
Washington, DC 20536

August 25, 2003

MEMORANDUM FOR ALL FIELD OFFICER DIRECTORS
DEPUTY ASSISTANT DIRECTOR FOR FIELD OPERATIONS

FROM:

Anthony S. Langeman
Anthony S. Langeman
Director
Office of Detention and Removal

SUBJECT: Addition of Chapter 19, Section 2 (General Policies) of the Detention and
Deportation Officer's Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 2, Chapter 19. Accordingly, the DDFM is changed as follows:

19.2 General Policies

I INTRODUCTION AND BACKGROUND

The removal of criminal aliens from the United States is a Bureau of Immigration and Customs Enforcement (ICE) top priority and a matter of Congressional concern for many years. This manual reflects ICE's commitment to encourage all aliens to comply with properly issued Removal, Deportation, and Exclusion Orders. It also represents ICE's commitment to locating, apprehending and removing aliens who have been ordered removed or granted the privilege of voluntary departure from the United States but failed to comply with those orders. Unless ICE takes practical steps in this regard, the practice of aliens ignoring adverse orders of the Executive Office of Immigration Review (EOIR), the Board of Immigration Appeals (BIA), and federal courts will continue.

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II. MISSION

The mission of the National Fugitive Operations Program (NFOP) is to identify, locate, apprehend, process, and remove fugitive aliens from the United States. This mission will be carried out in a safe, professional manner.

III. AUTHORITY

Section 287 of the Immigration and Nationality Act (INA) contains the authority ICE officers have to arrest, detain and remove certain aliens from the United States. Each officer participating in fugitive operations will be familiar with the laws and procedures relating to search and seizure and the enforcement authorities under the INA. Officers will review the (b)(6), (b)(7)(C) concerning their authority as Immigration Officers. An excellent summary of the authority of Immigration Officers is contained in (b)(6), (b)(7)(C)

(b)(6), (

IV. DEFINITIONS

- A. **FOD. Field Office Director.**
- B. **Case Officer.** The individual who plans a fugitive operation, and prepares the Field Operations Worksheet (see sample, (b)(7)(E) attached). This officer is responsible for briefing other officers about the case and making contact with the fugitive at his/her residence or place of business.
- C. **General Assignment Deportation Officer.** Any deportation officer not assigned to one of the Office of Detention and Removal (HQDRO) designated Permanent Fugitive Teams.
- D. **Fugitive Operations Team (FOT).** Any group of deportation officers assigned to full-time fugitive operations. This could be an FOD designated team or a HQDRO designated Permanent Fugitive Team. A FOD designated team shall contain an even number of officers not counting the assigned supervisors, i.e. two, four, six, etc... HQDRO designated Permanent Fugitive Team organization is contained in (b)(7)(E)
- E. **Final Order of Deportation or Removal.** The order of the Immigration Judge, the Board of Immigration Appeals (BIA) or other such Administrative Officer to whom the Attorney General has delegated the responsibility for determining whether an alien is removable, concluding that the alien is deportable, removable or excludable or ordering removal. A final order is defined in (b)(7)(E)

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F. Fugitive: Any subject, not in ICE custody, who:

- Is an alien who failed to depart the United States under either a grant of voluntary departure or removal order.¹
- Is an alien who has failed to appear for a hearing before an Immigration Judge.
- Is an alien who has failed to report to an ICE officer after receiving a legal order to do so.
- Is an alien who has failed to comply with any conditions placed on him/her when released on bond, order of recognizance or order of supervision.
- Is an alien who has failed to comply with the provisions of any program that requires him/her to report to ICE for any reason.
- Is any subject who is wanted by the Directorate for Border and Transportation Security for criminal violations of the Titles 8, 18, 19 and 21.

G. Incidental Arrest. The apprehension of a person other than a fugitive alien. Officers conducting fugitive operations shall take these subjects into custody and process for removal in accordance with the (b)(7)(E)

(b)(7)(E)

H. Informed Consent. Permission to enter or remain on a premises given by an owner, tenant, or resident of legal age.

I. Law Enforcement Officer (LEO). An officer or employee of an agency engaged in the administration of criminal justice pursuant to statute or executive order, including (1) courts; (2) a government agency or component which performs the administration of criminal justice as defined in 28 CFR Part 20 including the performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision or rehabilitation of accused persons or criminal offenders. [See (b)(7)(E)]

(b)(7)(E)

V. GENERAL POLICY

- (a) Supervisory oversight is critical in ensuring that the NFOP is implemented consistently throughout the Service. As such, supervisors will ensure officers will receive all training, equipment, and leadership necessary to safely and effectively

¹ For purposes of clarity a removal order is any order issued either under the INA prior to or after April 1, 1997.

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conduct fugitive operations. FODs are encouraged to establish local policy and procedure manuals that complement this manual but do not restrict operations that can be conducted under the authority of this manual. Local manuals shall concentrate on local considerations when conducting Fugitive operations.

(b) Fugitive operations may be conducted at any time during daytime hours² that is reasonable and necessary to support both the safe apprehension of the fugitive and the safety of the officers and general public. Justification for conducting operations during hours of darkness will be stated in writing on the Field Operations Worksheet. First line supervisors are charged with reviewing and approving fugitive operations. The FOD or someone designated by the FOD must approve of any operation conducted during the hours of darkness.

(c) A consideration in conducting an operation at the residence of a target could be the presence of small children. If the children attend school during daytime and the target is the one who takes or picks them up from school, apprehending the target at his place of employment would leave the children stranded at the school. However, apprehending the target at his home may afford the arresting officers the option of leaving the children with another adult who the target designates.

(d) A single officer may conduct investigative checks, attempts to locate, and surveillance; however, arrests should involve a team of at least two law enforcement officers. If an officer is conducting one of the functions listed above and sees or runs into the target, the officer may (at his discretion) initiate the arrest. He also may call and request assistance while maintaining surveillance on the target. It is highly recommended that whenever possible (for officer safety) two officers effect the arrest.

(e) If the intent of an operation is the arrest of a fugitive, officers must have a reasonable belief that the fugitive is in the suspected location prior to approaching the site. This shall be articulated on the Field Operations Worksheet (FOW). Supervisors are to determine the reliability of information gathered in the field regarding the location of a fugitive, and to act on that information.

(f) Whenever possible, a caged vehicle will be available to support fugitive operations.

(g) Criminal prosecutions under (b)(7)(E) as they relate to fugitives, shall be pursued as practicable.

(h) All training related to fugitive operations provided to ICE officers will be documented and maintained by a supervisor or designated Training Officer.

² For purposes of the NFOP Policy and Procedure Manual the term 'daytime' is defined as between the hours of 6:00AM - 10:00PM local time. [See Rule 41(h) - Federal Rules of Criminal Procedure.]

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- (i) Local supervisors will provide a copy of this manual to all officers conducting fugitive operations. They shall maintain a written record of all officers who have received a copy or been made familiar with this manual.
- (j) Chief, Fugitive Operations Branch will be an information addressee on any Significant Incident Report (SIR) involving the injury or death of an officer or alien. He will review the SIR to ensure that this manual did not contribute to the incident.
- (k) Nothing in this manual shall take the place of an individual officer's common sense and experience. The most important consideration in any fugitive operation is officer safety. It is the responsibility of every supervisor and every officer involved in fugitive operations to follow good officer safety tactics. The next consideration is that the subject is apprehended in a safe, human, manner with the minimum force necessary to effect the arrest.

VI. TRAINING

~~An officer must have completed ICE³ basic law enforcement training, as identified under~~
(b)(7)(E) before the FOD will authorize his/her participation in fugitive operations. Until time and training resources permit, deportation officers assigned to non-permanent fugitive operations teams shall conduct operations in accordance with this manual. ICE personnel from programs other than DRO may be tasked with assisting in fugitive operations. Their participation in the NFOP will not begin, however, until they have received and become familiar with a copy of this Policy and have received the requisite training.

³ For purposes of this manual officers who graduated from the Immigration Officer Academy (Special Agent, Immigration Enforcement Agent and Deportation Officer) or the United States Border Patrol Academy have met the basic training requirement enumerated in 8 CFR 281.1(g).

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Immigration Officer's Law Enforcement Authority

Appendix 2-1

	BCFR236 1(c) Revoke Release	BCFR236 1 - Issue NTA (Arresting Alien)	BCFR238 1 - Issue NTA (Other Than Arresting Alien)	BCFR241.2 - Issue Removed Warrant	BCFR241.2 - Exercising the Durable Power of Attorney	BCFR241.2 - Investigation Arrest	BCFR241.2 - Investigation Arrest (FBI only)	BCFR241.2 - General Arrest (Observer)	BCFR241.2 - General Arrest (Respect to believe)	BCFR241.2 - Alien Smuggling	BCFR241.2 - Conduct Searches	BCFR241.2 - Exercising Search Warrant	BCFR241.2 - Issue Arrest Warrant (Item)	BCFR241.2 - Issue Arrest Warrant (Item)	BCFR241.2 - Issue Arrest Warrant (Item)	BCFR241.2 - Issue Arrest Warrant (Item)	BCFR241.2 - Issue Arrest Warrant (Item)
Border Patrol Agent (incl. Pilot)		X			X	X	X	X	X	X	X	X		X	X	X	X
Special Agent		X			X	X	X	X	X	X	X	X		X	X	X	X
Immigration Inspector		X			X/1	X	X	X/3	X/3	X	X			X		X	X
Adjudications Officer		X			X/2	X	X	X/4	X/4	X/4	X			X/4		X/4	X
Deportation Officer		X				X	X	X	X	X	X			X	X	X	X
Supervisors of Designated Officers		X			X/2	X	X	X	X	X	X	X		X	X	X	X
Immigration Officers (Designated)		X			X	X	X	X	X	X	X	X		X	X	X	X
District Director	X	X	X	X									X				
District Director (Acting)	X	X	X														
Deputy District Director	X	X	X										X				
Asst. DD (Investigations)	X	X	X										X				
Asst. DD (Deportation)	X	X	X										X				
Asst. DD (Examinations)		X	X										X				
De Asst. DD (Investigations)		X	X										X				
De Asst. DD (Deportation)		X	X										X				
De Asst. DD (Examinations)		X	X										X				
Officer-in-Charge	X	X	X										X				
Assistant Officer-in-Charge		X	X										X				
Chief Patrol Agent		X	X										X				
Assoc. Chief Patrol Agent		X	X										X				
Asst. Chief Patrol Agent		X	X										X				
Patrol Agent-in-Charge		X	X										X				
Asst. Commissioner, Investigations		X	X										X				
Service Center Director		X	X														
Deputy Service Center Director		X	X														
Asst. Serv. Ctr. Dir., Examinations		X	X														
Asylum Officers		X															
Supervisory Asylum Officer		X	X														
IHP Director		X	X										X				
Deputy IHP Director		X	X														
Area Port Director		X											X				
Port Director		X											X				
Deputy Port Director		X											X				
Detention Enforcement Officer		X												X/5		X	
Immigration Agent (Investigations)		X															

(b)(7)(E)

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

DETENTION AND REMOVAL OPERATIONS
FUGITIVE OPERATIONS

FIELD OPERATIONS WORKSHEET

Case Officer: _____

... FUGITIVE ...

Name:	AKA:	Country of Citizenship:		
File Number:	Race/Sex:	Date of Birth:	Age:	
Height:	Weight:	Eyes:	Hair:	Complexion:
Scars, Marks and/or Tattoos:				
FBI Number:	Social Security Number:	SID:		
Drivers License Number:	Issuing State:	Vehicles:	Spouse:	
Immigration History	DACS Updated:	EOIR Contacted:		
IDENTweb:	NCIC WP (NN13):	Date:	IJ DEC/DATE:	
Prior VR's:	BIA Dec/Date:	VD Exp Date:		
Other Litigation:	Database Checks		(b)(7)(E)	
Fed Lit: ☐	Accurint	Autotrack		AR 11
Local Charges: ☐	☐	☐		☐
Other: ☐	☐	☐		☐

... CRIMINAL HISTORY ...

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

.. PHOTO ..

.. LAST KNOWN ADDRESS ..

Address:	
City:	State:
Telephone Number:	Employment:

A-File Review Synopsis:

DETENTION AND REMOVAL OPERATIONS
FUGITIVE OPERATIONS
FIELD OPERATIONS WORKSHEET
INSTRUCTIONS

Case Officer: Deportation Officer assigned the Fugitive Locate investigation.

FUGITIVE

- **Name:** Last (Control) name first, all capitals.
- **AKA:** All known aliases/names used by the fugitive. If more space is needed, include in "A-File Review Synopsis" or "SITUATION / MISSION / INVESTIGATIVE LEADS".
- **Country of Citizenship:** Fugitive's nationality.
- **File Number:** Fugitive's Administrative File (A-File) number. Format – A000 000 000
- **Race/Sex:** For RACE, Use the following abbreviations:

- > A = ASIAN
- > B = BLACK
- > H = HISPANIC/LATIN
- > P = PACIFIC ISLANDER
- > W = WHITE

For SEX, enter "M" for male and "F" for female. Format – R/S

- **Date of Birth:** Fugitive's birth date. Format – MM/DD/CCYY
- **Age:** Fugitive's age at time of worksheet preparation.
- **Height:** Fugitive's height. Format – 0' 00"
- **Weight:** Fugitive's weight in pounds.
- **Eyes:** Use the following color abbreviations:

BG = BLUE/GREEN	GR = GREEN
BK = BLACK	GY = GREY
BL = BLUE	HA = HAZEL
BR = BROWN	RD = RED (ALBINO)

- **Hair:** Use the following abbreviations:

BA = BALD	BR = BROWN	RD = RED
BK = BLACK	GY = GRAY	WH = WHITE
BN = BLONDE		

- **Complexion:** Indicate the following:

Light	Freckled
Medium	Pockmarked
Dark	Acne
Other – provide explanation in "SITUATION / MISSION / INVESTIGATIVE LEADS"	

- **Scars, Marks and/or Tattoos:** Provide brief descriptions i.e.; Surgical scar, right ankle. Gecko tattoo, right shoulder. If more space is needed, continue in "SITUATION / MISSION / INVESTIGATIVE LEADS".
- **FBI Number:** Provide FBI number of Fugitive, if applicable. If no FBI number, indicate "N/A" – Not Applicable. If an FBI number is provided, you must indicate the corresponding criminal activity in the "Criminal History" section of the worksheet.
- **Social Security Number:** Enter the Fugitive's Social Security number, if applicable. Format – 000-00-0000
- **SID:** Provide State Identification Number, if applicable. If no SID number, indicate "N/A" – Not Applicable. If an SID number is provided, you must indicate the corresponding criminal activity in the "Criminal History" section of the worksheet.
- **Drivers License Number:** Enter the fugitive's drivers license number.
- **Issuing State:** Provide the two-letter state abbreviation indicating the state where the fugitive's drivers license was issued.

AL – Alabama	FL – Florida	LA – Louisiana	NE – Nebraska	OH – Ohio	TX – Texas
AK – Alaska	GA – Georgia	ME – Maine	NV – Nevada	OK – Oklahoma	UT – Utah
AZ – Arizona	HI – Hawaii	MD – Maryland	NH – New Hampshire	OR – Oregon	VT – Vermont
AR – Arkansas	ID – Idaho	MA – Massachusetts	NJ – New Jersey	PA – Pennsylvania	VA – Virginia
CA – California	IL – Illinois	MI – Michigan	NM – New Mexico	RI – Rhode Island	WA – Washington
CO – Colorado	IN – Indiana	MN – Minnesota	NY – New York	SC – South Carolina	WV – West Virginia
CT – Connecticut	IA – Iowa	MS – Mississippi	NC – North Carolina	SD – South Dakota	WI – Wisconsin
DE – Delaware	KS – Kansas	MO – Missouri	ND – North Dakota	TN – Tennessee	WY – Wyoming
DC – District of Columbia	KY – Kentucky	MT – Montana			
AS – American Samoa		MH – Marshall Islands		PR – Puerto Rico	
FM – Federated States of Micronesia		MP – Northern Mariana Islands		VI – Virgin Islands	
GU – Guam		PW – Palau			

- **Vehicles:** Enter the number of vehicles associated with or registered to the fugitive. Provide a description of each of the vehicles in the section entitled, "SITUATION / MISSION / INVESTIGATIVE LEADS".
- **Spouse:** If Fugitive is married, provide spouse's name.

IMMIGRATION HISTORY

(b)(7)(E)

- **Prior VR's:** Indicate the number of prior voluntary returns the fugitive has been granted.
- **Other Litigation:** Stays, petitions for review, appeals, withholding, any outstanding local criminal charges, etc. If necessary, provide further explanation in section entitled, "A-File Review Synopsis".
- **DACS Updated:** Enter the date you confirmed DACS data integrity. Confirm the proper case category, status of the case (open/closed), and update any case comments if necessary. DACS data integrity is *EVERYONE'S* responsibility. If information is incorrect, now is the time to input the correct data to prevent future errors and misinformation.
- **NCIC WP (NN13):** Perform this search in NCIC via TECS. This is a mandatory query. If there is an outstanding warrant in NCIC indicate by entering PQS for positive search results and provide warrant information and disposition in the section entitled, "SITUATION / MISSION / INVESTIGATIVE LEADS". If search results are negative, enter NEG. Also, enter the date of the query.
- **BIA Dec/Date:** Enter the date and the decision of the Board of Immigration Appeals here. If BIA appeal is still pending, indicate accordingly and the date the status of the appeal was checked.
- **Database Checks:** Mark the corresponding block of any database checked that may provide viable information with regards to the fugitive or his/her whereabouts; i.e. Accurant (Lexis Nexus), Autotrack (Choicepoint), AR11 (Alien change of address notification). Three blank spaces are provided for local office discretion for inclusion of database checks unique to each individual Field Office. Results should be recorded in the section entitled, "SITUATION / MISSION / INVESTIGATIVE LEADS".
- **EOIR Contacted:** Enter the date the Executive Office for Immigration Review was contacted to confirm the status of the fugitive's case.
- **IJ DEC/DATE:** Enter the appropriate DACS decision code that corresponds to the Immigration Judge's decision and the date of the decision.

A	Administratively closed	T	Proceedings Terminate
B	Adjustment of Status to LPR Granted	V	Voluntary Departure Granted by IJ
C	Continued	W	Withdrawal Permitted in Exclusion/Removal Proceedings
D	Ordered Excluded/Deported/Removed	0	Visa Waiver Deportation/Removal Ordered
E	In Absentia - Ordered Excluded/Deported/Removed	1	Administrative Deportation/Removal Ordered
G	Waiver/Cancellation granted	2	Judicial Deportation/Removal Ordered
H	Withholding of Deportation/Removal Granted	3	Credible Fear Found by Asylum Officer
I	IJ decision reserved	4	Negative Credible Fear Finding Overturned by IJ
M	Motion to change venue granted	5	Expedited Removal Ordered
P	Political asylum granted	6	Final Order Reinstated
S	Suspension/Cancellation granted	7	Other Decision (Crewmen, Stowaways, S-Visa Holders, etc.)

- **VD Exp Date:** Enter the expiration date of the Voluntary Departure granted to the fugitive, if applicable.

(b)(7)(E)

- **Criminal History:** Enter a brief description of any criminal activity and dispositions revealed from criminal history queries. If more space is needed, you may attach the rap sheet or summarize the criminal history in the section entitled, "A-File Review Synopsis."
- **Last Known Address:** Provide the last known and most viable residence address for the fugitive.
- **Telephone:** Provide residential and cell phone information, if known.
- **Employment:** Enter last known and most viable employment information on the fugitive, if known.
- **Photo:** Insert latest available photo of the fugitive in this space. Photos may be added as an attachment if they cannot be inserted within the space provided. Include multiple photos if available if there are photos showing with or without facial hair, tattoos, injuries, etc.
- **A-File Review Synopsis:** Provide a brief explanation of the fugitive's immigration history from a thorough file review. Include information regarding entry data, adjustment or other benefit petitions, criminal actions, marriage/adoption information, etc.
- **Situation / Mission / Investigative Leads:** This is a free text area. Place undeveloped, relevant investigative leads in this space. You may also provide further explanations of other aliases, scars, marks, and tattoos, and vehicle descriptions associated with the fugitive. If further explanation is needed regarding immigration benefits that may have an impact on the fugitive status of the individual, it should be noted here. Provide an explanation of any outstanding warrants or subject records discovered while performing NN13, SQ11 and SQAD queries. Don't forget to enter NIC numbers on NCIC wants and ID numbers on subject records in TECS. Hard copies of printouts regarding NCIC wants and subject records should be attached to the FOW with reference made herein.
- **Equipment / Clothing:** Provide instructions for any special equipment or clothing that is deemed conducive to the safe execution of the FOW.
- **Team:** Enter the team identification. i.e. Team 1, Team A, etc.

- **Officer/Agency:** Identify each team member by name. If the team member is from another agency, enter the agency name.

COMMUNICATIONS

- **Type:** Indicate the type of equipment to be utilized; i.e. Motorola XTS 5000, 3000, Astro, etc.
- **Mode:** Depending on the type of radio, enter the mode, if applicable. i.e. A, B, C, etc.
- **Channel:** Enter the channel to be utilized; i.e. 1, 2, 3, etc.
- **Team:** If multiple teams are to be utilized in a larger operation, indicate the team assigned this set of modes and channels, if applicable.

LAW ENFORCEMENT NOTIFICATION

- **Agency:** Enter the name of the Law Enforcement Agency having jurisdiction over the area in which the fugitive apprehension action is to be attempted.
- **Name:** Enter the *specific name* of the law enforcement official you have notified of the impending fugitive apprehension action.
- **Telephone:** Enter the telephone number of the law enforcement agency you notified.

EMERGENCY MEDICAL SERVICES

- **Name:** Enter the name of the nearest available emergency medical services to notify in the event of an emergency.
- **Location:** Enter the location serviced by the Emergency Medical Services.
- **Telephone:** Enter the telephone number of the Emergency Medical Services to call in the event of an emergency. If 911, so state.

OPERATIONAL

- **Date of Operation:** Enter the projected date of the fugitive apprehension activity.
- **Time of Operation:** Enter the projected time of the fugitive apprehension activity.
- **Supervisory Concurrence:** Signature and title of supervisory personnel approving FOW. In HQ-designated FUGOPS teams, this is the FUGOPS SDDO. If FOD-designated FUGOPS teams, this is at the FOD'S discretion.

RESULTS

- **Date of Arrest:** Self-explanatory.
- **Location of Arrest:** Describe premises where arrest took place. i.e. residence, employment, parking lot, sidewalk, etc.
- **Consent to Enter:** If arrest took place in a private area or dwelling, enter the name of the individual who provided consent for team members to enter the premises and their relationship to the premises.



U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

HQDRO 50/12.8

Office of the Director

801 I Street NW
Washington, DC 20536

MEMORANDUM FOR ALL FIELD OFFICER DIRECTORS
DEPUTY ASSISTANT DIRECTOR FOR FIELD OPERATIONS

FROM: (b)(7)(C), (b)(6)
Anthony S. Tangeman
Director
Office of Detention and Removal

SUBJECT: Addition of Chapter 19, Section 3 (Fugitive Operations Vehicle Pursuit Policy)
of the Detention and Deportation Officer's Field Manual (DDFM)

The DDFM is updated to reflect changes to Section 3, Chapter 19. Accordingly, the DDFM is changed as follows:

19.3 Fugitive Operations Vehicle Pursuit Policy

I. BACKGROUND

Administrative Manual 4214.4 granted the authority to engage in high-speed/high-risk vehicle pursuits to Border Patrol Agents and Supervisory Border Patrol Agents who are driving marked sedans (pursuit vehicles). A high-speed/high-risk pursuit is defined as:

"...an active attempt...to apprehend fleeing suspects who are using excessive speed or committing a hazardous moving violation to avoid apprehension through evasive tactics."

Some examples of a hazardous moving violation include but are not limited to driving the wrong-way on a one-way street or radical lane changes without regard to traffic flow/conditions, etc...

II. POLICY

The use of an unmarked vehicle in a high-speed/high-risk vehicle pursuit is prohibited. Accordingly, because of the exclusive use of unmarked vehicles, officers assigned to

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Detention and Removal Operations shall not engage in any high-speed/high-risk vehicle pursuits. This policy also prohibits low-speed/low-risk pursuits. A low-speed/low-risk pursuit is defined as:

*"...an active attempt...to apprehend fleeing suspects who are **not** utilizing excessive speed or committing a hazardous moving violation to avoid apprehension by ignoring or failing to stop..."*

This restriction applies to all Detention and Removal officers regardless of their previous assignment, duty or training. This policy is intended to preclude any incident that may incur unnecessary liability to the Bureau of Immigration and Customs Enforcement (ICE) or an individual ICE officer. This policy does not prohibit the use of a moving or 'rolling' surveillance.

Nothing precludes an officer who has been previously trained in vehicle stops at the Federal Law Enforcement Training Center¹ (FLETC) from conducting a stop. Vehicles conducting vehicle stops must be equipped with emergency lights and sound making (siren) equipment as prescribed for law enforcement vehicles by the state in which the vehicle is normally assigned to operate.

Officers, who have never received FLETC training at one of the approved courses, may not use this equipment to conduct a vehicle stop.

III. PROCEDURE

Field Offices are authorized to retrofit their vehicles with the equipment necessary for the proper conduct of a vehicle stop. They shall identify those officers who have received the requisite FLETC training. They shall maintain and update the roster as other officers receive training.

This policy shall remain in effect until the new ICE enforcement standard concerning vehicle pursuits is issued. Once the standard is issued a training program will be established. It is anticipated that officers in unmarked vehicles will be allowed to engage in low-speed/low risk vehicle pursuits.

¹ For purpose of this policy, the FLETC training must have been at either the Immigration Officer Academy Basic Course, U.S. Border Patrol Academy or the Fugitive Operations Training Course.

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U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

HQDRO 50/12.8

Office of the Director

801 I Street NW
Washington, DC 20536

MEMORANDUM FOR ALL FIELD OFFICE DIRECTORS
DEPUTY ASSISTANT DIRECTOR FOR FIELD OPERATIONS

FROM:

(b)(7)(C), (b)(6)
Anthony J. Tangeman
Director
Office of Detention and Removal

SUBJECT: Addition of Chapter 19, Section 4 (Case Assignment, Preparation and Management) of the Detention and Deportation Officer's Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 4, Chapter 19. Accordingly the DDFM is changed as follows:

19.4 Case Assignment, Preparation and Management

I. POLICY

This chapter is designed to provide each field officer with a national standard blueprint for case assignment, preparation and management. To achieve that goal the following policy shall be followed:

Offices with Permanent Fugitive Teams

The permanent Fugitive Operations Teams' (FOT) immediate mission is the elimination of fugitive cases in their assigned office. To that end they:

- > Shall only be assigned to fugitive cases with an emphasis on backlog cases.
- > Shall not be assigned to any duties that will deter them from conducting fugitive operations, including but not limited to, case management of general

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detained or non-detained dockets¹, escorts and collateral duties normally accomplished by general assignment deportation officers.

- Are expected to conduct continuous, on-going operations anywhere within the jurisdiction of their office.
- Will conduct operations in other jurisdictions when directed by Headquarters, Fugitive Operations Branch (HQFOB).

General assignment deportation officers are charged with working cases of aliens who have recently received a final order and been classified as fugitives. General assignment officers shall work new fugitive cases until such time as the case is deemed to be no longer viable.

Fugitives apprehended by the permanent teams shall be turned over to a general assignment officer who is responsible for that portion of the detained docket. The general assignment officer shall effect the actual removal of the alien.

Offices without Permanent Fugitive Teams

FODs of offices without permanent fugitive teams shall, if staffing levels permit, designate a fugitive team within their office. FODs should be creative in their design but the goal of eliminating the backlog of fugitive cases by 2010 remains. One solution could be the assignment of one officer to review A-files, conduct database checks (Choicepoint, DMV, etc) and create the fugitive/target folder (See (b)(7)(E)). That file would then be turned over to another general assignment deportation officer for field investigation.

II. PROCEDURE

CASE ASSIGNMENT

Notification of fugitive cases will arrive from various sources. Three primary sources of fugitive cases are: files containing final orders of removal subsequent to court proceedings, files forwarded from other field offices with leads developed for your follow-up, and cases that you may request based on tips received from outside sources. In any event, it is imperative that all cases involving fugitives are investigated prior to forwarding the case to the LESC for entry into NCIC. Accomplishment of this task will require supervisory oversight in the assignment, progress of the investigation, and documentation of the case status. Supervisors shall assign cases to officers using the G-600. It is recommended that cases be forwarded to the LESC for inclusion into NCIC within 45 days of the target being designated a fugitive. Procedures for forwarding cases to the LESC are contained in (b)(7)(E).

¹This does not relieve the officer from maintaining a case DACS to which he is assigned and actively investigating.

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One of the greatest benefits to be derived from a well organized fugitive apprehension program is the ability to identify and target those fugitives amenable to immediate and unimpeded removal. In order for this benefit to be realized some basic principles must be followed.

CASE MANAGEMENT

Cases will be primarily managed and monitored utilizing the (b)(7)(E) (b)(7)(E) Instructions for the use of (b)(7)(E) will be provided when published by the Bureau of Immigration and Customs Enforcement. However, Deportable Alien Control System (DACS) must remain current and up to date. This is especially important if a FOT is to be properly credited for apprehensions. Members of HQDRO designated FOTs shall not be assigned to any general docket management. Their responsibility is the investigation, location and apprehension of a fugitive.

Their only duty with respect to DACS is to ensure that a case has been properly coded in DACS as a fugitive and (using DACS as a case management tool) update DACS as the investigation progresses. Once a fugitive has been apprehended the entire case will be turned over to the general assignment deportation officer who is responsible for the target's portion of the docket.

Verification of Removability

A basic function of a Deportation Officer assigned to the program is to conduct a thorough review of the A-file to determine an alien's eligibility for removal. This function entails the review of all documents contained within the A-file and checks of all available ICE data base indices. In addition, efforts must be made to confirm or deny the existence of any court actions pending before both the Immigration Court and United States District Courts having jurisdiction over a given case. Such actions could affect the Service's ability to remove an alien.

Officers must also make every effort to determine whether or not a given alien is wanted by another agency or has charges pending before any court. Although our intent is to expeditiously remove aliens with final orders we have the responsibility of ensuring, to the extent possible, that state, local and federal agencies are afforded the opportunity to prosecute aliens charged with crimes under their jurisdiction.

Determination of Probability of Unimpeded Removal

As previously mentioned, a key feature of this initiative is the ability to target aliens whose removal can be executed. There will always be circumstances that will warrant the location and apprehension of non-removable aliens due to public safety or national security concerns. That being said, those aliens where the probability of removal success is high should be targeted first.

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Each field office should be prepared to have adequate detention space available for the arrests that are brought in. One suggestion on eliminating long detention stays would be to attempt to obtain a travel document even before the arrest is made. It is a difficult thing to do but it is something to consider.

Aliens who have violated Title 8 United States Code 1253 should be presented to the local United States Attorney for prosecution.²

Disposition of Cases not Resulting in a Fugitive Apprehension

It is anticipated that there will be cases where after reasonable measures have been taken, the location of the fugitive cannot be ascertained. In such circumstances field officers are to update the case in (b)(7)(E) as well as in DACS. Supervisory concurrence will be required documenting that all reasonable investigative checks/leads have been pursued prior to removing an assigned case from the active fugitive docket. To assist in follow-up investigations, field notes as well as database inquiries gathered during investigation should be included in the fugitive's target folder.

The Law Enforcement Support Center (LESC) has been tasked to assist ICE fugitive operations by entering all fugitive cases into NCIC. Investigations that do not lead to the location of the fugitive are to be properly recorded and forwarded to the LESC for entry into the NCIC System. If the fugitive is located outside of the file control office's area of responsibility, the file should be properly forwarded to the office nearest the location of the fugitive. A sample memorandum forwarding a case to another office is contained in (b)(7)(E).

Prior to forwarding the case to the LESC, officers are to ensure that the information contained in the alien's file meets the requirements for entry into the NCIC database.³ Officers are to create and maintain a target folder with pertinent information on all absconder cases that have been forwarded to the LESC. The target folder will be used for subsequent investigations, operations, forwarding to other Field Offices or arrest operations.

III. CASE PREPARATION

The following should be the minimum actions taken prior to conducting a fugitive operation:

- Conduct a complete review of the subject's file. Officers should conduct a review of other pertinent documents to gather investigative leads. This includes, but is not limited to:
 - Form I-156(s), if sent;

² See 19.8 - Prosecutions.

³ See Appendix 19-4.

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- Current address;
 - Current criminal history printout;
 - All available records, including computerized state and federal criminal records;
 - Driver history and DMV-registered vehicles, if applicable; and,
 - Any pending forms of relief (judicial stay orders) or conditions (medical, etc.) that would preclude the alien from removal.
- Create a target folder as outlined in Attachment-19-3. (A-files shall not be taken into the field and will be forwarded to the LESC, when appropriate, after the target folder is created):

RECORD CHECKS

When conducting record checks with any agency, officers should keep in mind the principles contained in (b)(7)(E)

U.S. Postal Service:

Initially, contact should be made with the local Post Office personnel to determine if the fugitive is receiving mail at any known address. The Postal Service has a form **Information Needed for Service of Legal Process** (b)(7)(E) that you will need to complete in order to retrieve information.

Postal checks should be conducted prior to 8:00AM so that you can speak with the appropriate letter carrier prior to the commencement of their route. You should initially speak with the Postmaster and explain what you are doing. You should then ask the Postmaster to allow you to speak with the letter carrier who handles that area. When speaking to the letter carrier, a photograph of the fugitive should be made available. You should also inquire about any change of address or forwarding requests. If the last known address of the fugitive is a P.O. Box, you should check the "application form" the fugitive filled out to get the box, as applicants are required to list their actual address on the application. This may provide another possible address for the fugitive.

Another good source of information is the Postal Inspectors, the enforcement branch of the Postal Service. They can provide mail covers at a specific location; track the mail that is being received at a particular residence and the mail coming out of the residence. Contact information for Postal Inspectors can be found in the SAFM, (b)(7)(E)

Local Police Departments:

If you believe you have identified a city in your jurisdiction where a fugitive may reside, you should immediately make personal contact with the local Police Department, preferably with someone in the detective division. You should explain the Warrant of Deportation/Removal to them and leave copies of the Wanted Poster. Depending on the existing liaison with that department, you may want to personally deliver the Wanted Poster to detectives assigned to every shift, as well as supervisory uniformed officers from every shift. Be sure to emphasize if the fugitive is listed in NCIC and that you will respond immediately if they encounter/arrest the fugitive. Other than Confidential

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Informants, police departments will probably be your most valuable resource. Should your investigation lead to the conclusion that an alien has moved outside of your area of operations, then you should either check with that department or refer the case to the appropriate Field Office⁴.

Courts/Parole/Probation Departments:

If the fugitive is a criminal alien, contact should be made with any and all probation officers that had prior interaction with the fugitive. If the fugitive is currently on probation, you should be present at the probation office the next time the fugitive is required to report in order to effect the arrest. Contact should be made with the Clerk of the Court to review the court docket relating to the fugitive and develop any information in the court file.

Correctional Institutions:

If the fugitive is a criminal alien, personal contact should be made with personnel from all correctional facilities, including ICE Service Processing Centers, where the fugitive was previously detained. While at the facility you should review any visitation logs and inmate intake processing information that may provide additional leads. You should also obtain a photograph of the fugitive, if necessary, while at the facility.

Employment Checks:

Contact should be made with the fugitive's last known employer as the fugitive may still be working there. It is best to meet with the personnel manager when you conduct this visit. When speaking with the personnel manager you should emphasize that you wish to speak with only one employee and that you are not there to inspect/review any I-9 forms. If the fugitive is still employed there, request the personnel manager have the fugitive report to the personnel office, at which time you can effect the arrest in a confined area and prevent disruption of the work area and other personnel. If the fugitive is no longer employed there, you should ask to review the fugitive's employment application from the company files to look for any leads you may have yet to develop.

Banks/Credit/Insurance Organizations:

Banks and credit organizations can provide detailed financial information, however you will probably need to know the social security number of the fugitive, as most credit information is based on this. Supervisory personnel should develop and maintain liaison with high level officials from these organizations, as much of the information they provide must be kept confidential. Depending on the organization they may be able to provide detailed computer printouts. These printouts may indicate the date the fugitive conducted financial/credit transactions and with which companies. They may also list account information, child support payments, etc. Contact should then be made with

⁴ See this section entitled - "Referrals to Other Field Offices".

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the security directors of these companies who can provide information such as where monthly statements are mailed, which branches of banks transactions are conducted and other related items which may provide additional leads.

Schools:

In the event that the fugitive has children of school age, you should speak with the principal of the school that you believe the child may attend. This may provide you with additional addresses and telephone numbers. You should also show the photograph of the fugitive to the principal and ask if the fugitive picks up the child after school. If so, surveillance should be conducted at the school at the appropriate time. You should *never* arrest the fugitive inside the school and avoid if possible arresting on or near school grounds. Additionally, *absolutely never* approach a child of a fugitive or any other child/student in a school or on or near school grounds. Any benefits of doing so, if there are any, are immensely outweighed by the drawbacks.

Choicepoint:

This is an excellent investigative tool for fugitive operations. Choicepoint can provide information on property owned by the alien, addresses where the alien has lived at or where he has made applications to rent or lease property, businesses to which the target has made credit applications and used his social security number and other transactions where the target must provide information to conduct business or simply to live. It requires password access that must be granted by Choicepoint. The form requesting access may be sent in cc: Mail to AAIDRO. See (b)(7)(E) for the access form.

Confidential Informants

One of the most effective tools used in the location of fugitives is the use of confidential informants. Because of the nature of dealing with confidential informants, an officer cannot be expected to make appointments in the office during normal business hours. Officers will need to discretely make contact with these informants at other than normal hours in places other than the office.⁶

Referrals to Other Field Offices

If during the course of conducting the case preparation an officer discovers that the target has moved to the jurisdiction of another Field Office, that officer will contact that Field Office and provide basic information. The target folder will be forwarded by the most expeditious means to the new Field Office with a routing memorandum from the sending office.

⁶ See 19.7 - Confidential Informants

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Processing Subsequent to Apprehension

Prior to making the arrest, a decision should have been made to determine if prosecution is appropriate. If the decision was made to prosecute, or if circumstances arising out of the arrest have indicated a need to pursue prosecution, the officer should immediately initiate action to process the fugitive accordingly.⁶

If prosecution is not contemplated, officers will follow standard processing procedures for the removal of an alien with a final order. In addition to these procedures, and subsequent to the arrest of all fugitives, officers will prepare a Record of Deportable/Inadmissible Alien, (b)(7)(E). Officers will pay particular attention in the narrative portion of the form to the following items that may assist officers in locating/apprehending the fugitive in the future:

- Vehicle information/location;
- Specific location of arrest including identity/relation/alienage of other individuals present;
- Escape attempt/violence when effecting the arrest;
- Use of weapons encountered; and,
- Any other items you feel may be helpful.

Officers will close out the case by making the necessary updates on forms (b)(7)(E) and (b)(7)(E). Supervisors will close out the case on Form (b)(7)(E). The officer and his supervisor shall close the case out (b)(7)(E). The deportation assistant will complete the final case closure by completing the Fugitive Operations screen in DACS.

Officers must ensure that all other cooperating agencies that received notices and/or Wanted Posters on the apprehended fugitive are notified of the case closure. Ensure they are aware of the final disposition of any case they are involved in so they are not continuing to exhaust valuable time and energy attempting to locate a fugitive who is already gone. Make them aware, however, if the possibility exists that the fugitive will return subsequent to the latest removal action.

Interview/Referral of Fugitives Apprehended

In conjunction with the Alien Absconder Initiative (AAI), apprehensions involving aliens from countries identified by the Intelligence Community as having terrorist connections are to be immediately reported by D&R to the Custody Review Unit (HQDRO). The local ICE Investigations (INV) Representative to the Joint Terrorism Task Force (JTTF) having jurisdiction in your area shall also be notified. If there is no ICE INV Rep, then the JTTF will be contacted directly. Should there be no JTTF, officers will contact the local office of the Federal Bureau of Investigation. One of the considerations of a local manual should be identification of JTTF points of contact or the lack of a local JTTF. In

⁶ See 19.8 – Prosecutions

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the event the alien that is taken into custody is a prior deport, officers are reminded to consult (b)(7)(E) of this manual regarding Prosecutions.

Documentation that these referrals were accomplished will be included in the narrative of the Form I-213, and placed in the subjects target folder.

Other than Immigration Offenses

During the course of an operation, officers may encounter firearms, controlled substances or other illegal activities inside a residence or place of business. In such cases, the local police department or sheriff's office will be contacted and the items turned over to that agency. These actions will be recorded on Record of Deportable/Inadmissible Alien (b)(6),(b)(7)(C) Report of Apprehension or Seizure (b)(7)(E) (b) and the Fugitive Operations Worksheet (b)(7)(E)

Form I-44 shall be prepared when a citizen or non-deportable alien is apprehended for violation of the INA or the person arrested or article seized is delivered to an agency outside ICE or when such an arrest or seizure is made in a joint operation with another agency. A copy of Form I-44 and I-213 shall be placed in the A-file and target folder.

IV. REMOVAL OF APPREHENDED FUGITIVES

Travel Document Management

Travel document procurement is vital to the expeditious removal of aliens. If a travel document is not contained within the A-file, one exists but has expired or is otherwise not available; the procurement process should start well before the alien is apprehended when possible. Offices with Fugitive Operations Teams (FOT) will coordinate their efforts with the Case Officer who will handle the case after apprehension. It is important that the FOT member communicate with the Case Officer regularly.

No Travel Document Exists or Existing Document Has Expired

Once a fugitive has been located and an apprehension can be effected at will, the FOT Case Officer should coordinate the apprehension with the General Assignment Case Officer. In that way, perhaps the General Assignment Case Officer can initiate a travel document request prior to apprehension. This will facilitate speedy removal and minimize detention time. Limiting detention time will in turn decrease the opportunity for the fugitive to initiate a court action that could subvert his or her removal. Again offices with permanent FOTs will coordinate the requesting of the Travel Document with the Case Officer who will receive the case following apprehension.

Officers engaged in apprehending fugitives should make every effort to obtain travel documents at time of arrest. This may include conducting thorough searches of any area where the alien may have such a document. In some cases it may be necessary to

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transport the alien to their residence to obtain the document. It must be stressed that when this is the case, officer safety is paramount and may entail assigning additional officers to the task. Though there may be circumstances that will prevent efforts to obtain travel documents subsequent to arrest, however, these situations should be the exception rather than the norm.

Escort Planning

Escort planning goes hand in hand with travel document management, as many consulates require itineraries prior to issuing travel documents. Anytime an escort can be planned prior to an apprehension, the efficiency in which an alien can be removed is increased. The FOT Case Officer shall notify the General Assignment Case Officer in advance of an apprehension whenever possible. The General Assignment Case Officer can then make preliminary coordination with his or her Detention Section.

Consular Notification

Consular notification shall be handled per existing policy and guidance and is the responsibility of the apprehending officer. The list of countries that must be contacted is contained in (b)(7)(E). Officers should also be familiar with *Consular Notification and Access (State Department Publication 10969)*. It is available on line at www.state.gov or hard copies can be ordered from (202) 647-(b)(7)(E).

Final Notes

Always remember to *pay recognition* to cooperating agencies, both within and without of the law enforcement community, with Letters of Commendation and/or wall plaques, etc., for any assistance rendered in locating/apprehending a fugitive. It will help to reinforce and solidify further cooperation between agencies. However, always remember that some agencies do not desire to have their active participation made public. This can generally be said of some large city police departments.

V. REPORTING REQUIREMENTS

All fugitive arrests will be reported through the Fugitive Operations Database. The report is due by close of business (COB) every Wednesday for the all arrests made from the previous Thursday. Information and instructions for the use of the database can be found in (b)(7)(F). This reporting system is scheduled to be replaced with the full implementation of the (b)(7)(E) Module.

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U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

HQDRO 50/12.8

Office of the Director

801 I Street NW
Washington, DC 20536

MEMORANDUM FOR DISTRIBUTION

FROM: (b)(6),(b)(7)(C)
Anthony S. Tangeman
Director
Office of Detention and Removal

SUBJECT: Addition of Chapter 19, Section 5 (Field Operations/Tactics) of the Detention and Deportation Officer's Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 5, Chapter 19. Accordingly the DDFM is changed as follows:

19.5 Field Operations/Tactics

I. POLICY

The primary concern during any field operation is the safety of officers, targets and innocent third parties. When conducting field operations, the best way to protect all parties concerned is to always be as thoroughly prepared as possible prior to initiating any action. Officers conducting fugitive operations shall prepare a Fugitive Operations Worksheet (FOW) on each individual case and submit it to the supervisor of the designated HQDRO FOT. Teams designated by the FOD shall submit their FOW to a supervisor designated by the FOD.

When a FOT contemplates an operation to target a large group of fugitives, one that will extend over several days, or may generate media interest beyond the area of operations, then an Operations Plan (OpPlan) must be created. The OpPlan format is contained in (b)(7)(E). The designated case officer will prepare the OpPlan and present it through the chain of command for FOD approval. Concurrence for significant operations (national impact, high profile, etc...) must be obtained from the Deputy Assistant Director for Field Operations.

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OpPlans should be given a name [i.e. Operation Predator (OPPRED)] that will readily identify the operation for reporting/data tracking purposes. OpPlans submitted for Deputy Assistant Director for Field Operations concurrence may propose a name for their the operation but final approval for the operation's name shall reside with HQ. Chief, Fugitive Operations Branch (FOB) shall maintain a roster of previously approved names to ensure that no name is used twice. While FODs are not required to submit every OpPlan for approval, it is recommended that the name of the operation be forwarded to ensure that no other operation has been undertaken using that name. The list maintained by FOB will also include operations approved by FODs. Should a name proposed for a local operation been previously used by another Field Office or used as part of a national/significant operation, FOB will notify the Field Office and ask for another proposed name. If an OpPlan is submitted, then a Significant Prospective Enforcement Action (SPEA) is not required.

Due to geography, FOTs may be required to operate in more than one Field Office jurisdiction. To that end FOTs will create a standard OpPlan for operating in other jurisdictions. For example: New York could conceivably end up operating in Newark, Cherry Hill or even Philadelphia. The FOT Supervisor in New York would establish a working relationship with the FOT Supervisor(s) [or the Supervisor over fugitive operations in Field Offices that do not have a designated FOT] in areas where his team might have to operate. At a minimum this coordination will address points of contact, notification procedures and mutual assistance arrangements. Each Field Office will also provide information on points of contact with local law enforcement agencies, locations of emergency medical facilities and any other officer safety information that will allow an outside FOT to operate in a safe and successful manner.

II. DISCUSSION

Upon completion of the A-file review, work-folder preparation and consultation with appropriate sources, you are now ready to attempt to locate the fugitive. The results of your completed checks should be noted on the "Memorandum of Investigation" (b)(7)(E) and the right side column of the "Investigative Workplan" (b)(7)(E). You should remember to leave your business card and copies of the Wanted Poster with appropriate agency personnel and a 24-hour business telephone or pager number, if possible. You should also request photocopies of any and all documents that you review and deem appropriate during the course of your investigation. Some agencies' procedural rules require that you submit a subpoena. The authority to issue a subpoena is contained in (b)(7)(E) and shall be issued on (b)(7)(E).

One of the most important things to remember when attempting to locate fugitives is that actual residence checks should only be conducted as a last resort if all other leads have proven negative. One reason is that the residence is familiar ground to the fugitive and could potentially be a place where weapons or other items are available. The second reason is that Warrants of Deportation or Removal are administrative rather than criminal, and it does not grant the authority to breach doors. Thus permission must be obtained from the occupant of the residence prior to entering. If you knock on a door

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and the fugitive isn't there, the person you speak with will probably make contact with the fugitive, making it that much more difficult to locate the fugitive.

You should also keep in mind that whenever possible, arrests that cannot be effected in controlled environments such as in courts, probation offices, etc., should be made in public areas. Locations such as parking lots, sidewalks in front of residences or businesses and other such areas eliminate the question of consent when entering a dwelling or enclosure.

Whenever conducting an operation to effect the arrest of a fugitive, you will always have a briefing prior to the operation. At the briefing you should discuss the case, any information about the fugitive, the general location where the operation is to take place and to make personnel assignments.

Once an operation has been completed, a debriefing will be held to discuss what went right and what went wrong during the operation. This will establish a 'Best Practices' database that can be shared with other FOTs on a regular basis.

III. SURVEILLANCE ACTIVITIES

Once you believe you have identified an area that the fugitive frequents, surveillance may be required. Whenever possible, you should have binoculars, night vision, and a hand held tape recorder available during surveillance activities. Binoculars/night vision may be needed, as you may not be able to surveil the target location at a close proximity. A portable tape recorder is helpful in the event you are alone and want to drive by the target neighborhood and gather license plates from vehicles parked in the area. It is also useful in documenting movements while tracking a fugitive, or the fugitive's acquaintance (s). Using a tape recorder is much simpler than attempting to document movements or license plates in written form.

One of the most important elements of surveillance is patience. There is no way to determine in advance, how much time will be needed when conducting surveillance operations. The fugitive may appear in a matter of minutes, several hours, or not at all. If conducting surveillance over long periods of time the primary surveillance vehicle should be changed and moved periodically. Confidential Informants (CIs) may be used in place of or in conjunction with surveillance activities as they can often frequent areas where law enforcement officials/vehicles would create suspicion. When conducting surveillance with a CI on site, you may want to provide the CI with a transmitter that can be heard through Service radios. This transmitter must be monitored constantly whenever the CI is operating. This may be especially important in high-crime areas for the protection of the CI. Information on consensual monitoring can be found in the Special Agent's Field Manual (SAFM), (b)(7)(E)

The best vehicles to use for surveillance are those that create the least amount of suspicion. Proper surveillance cannot be conducted utilizing a Crown Victoria or Caprice. These vehicles announce to the neighborhood that you are law enforcement

officers and destroy any chance of conducting effective surveillance. It may also jeopardize the safety of the officers conducting the surveillance. Vehicles that are appropriate for surveillance activities are those that look like standard family type vehicles. Minivans with roof racks and child seats; SUVs with custom wheels, tires and roof racks; pickup trucks and maxivans disguised as work trucks (plumbers, carpenters, general contractors, etc.); and upgraded foreign and domestic mid-sized sedans make the best and most inconspicuous and effective vehicles for surveillance and general fugitive operations utilization.¹

If a static surveillance is designed to simply locate a targeted fugitive, a lone officer in a vehicle may be used. However, in the event that it is anticipated that the surveillance will include tracking a target throughout a general area, by foot or vehicle, additional officer and vehicle assets are required. Standard training in surveillance procedures dictates that two officers operate per vehicle so one may be dropped off to continue the surveillance in the event the target leaves a route that may be covered by a vehicle (entering a mall or other area that may not be accessible by vehicle). Additionally, multiple officer and vehicle teams ensure movement through traffic in a safe and efficient manner with less likelihood of discovery.

IV. PREPARING FOR THE ARREST / OPERATION

Officers shall begin each field operation with a briefing and the content of that briefing will be the results of the officer's preparation of the target folder. The type of briefing should reflect the complexity of the mission; detailed operations plans may be required for more complex briefings. The Team Leader will designate a site for briefing and debriefing prior to the beginning of each operation. The team will meet and discuss primary and alternate plans. The Case Officer will familiarize the rest of the team with the specifics of each case. The Team Leader will determine the duties of each participant and clarify each team member's assignment. ***All briefings shall describe the exact type of warrant being executed, i.e. Administrative, Criminal Search or Criminal Arrest. This is particularly important when other agencies (who do not normally conduct administrative arrests) are part of an operation.***

If at any time during a field operation, **ANY** officer concludes that officers are performing in an unsafe manner, placing themselves or others in danger, or otherwise unprepared for the task, the operation will be immediately postponed until the Team Leader is consulted. The Team Leader will then decide whether to terminate or continue with the operation.

Note: *Officers shall have copies of the Final Order and contact numbers for local law enforcement agencies readily available.*

¹ Regardless of how the vehicle is outfitted, officers should avoid utilizing black, white or navy blue SUVs, vans or sedans for operations. These colors have become standard law enforcement issue for both marked and unmarked vehicles.

V. ARREST LOCATIONS

Arresting an alien at his or her residence or place of employment following an investigative field interview can be a difficult and potentially dangerous task. Officers can knock on a door and request to speak with the occupants of the house without first obtaining a search warrant. However, in order to enter a residence, **someone who has authority to do so must grant informed consent, unless a court-approved search warrant is obtained in advance.** When consent to enter is given, the officer must note at what time, and who gave consent. The *Consent to Search Premises* (b)(7)(E) shall be executed and noted in the I-213.

The Contact Officer should announce the Team's presence by clearly saying, "Police." A second announcement, in an appropriate second language, may also be given. Only after a Team has gained entry should the occupants be told that the officers are federal law enforcement representatives of the Bureau of Immigration and Customs Enforcement. The person certainly has the right to refuse to open the door but the **officer should not begin the interview until the door is opened and preferably after entry is gained.** If the door is closed, the officer may not be able to see a threat to his or her safety developing. Officers shall display credentials when asked, and as soon as it is safe to do so.

Once inside the building the Team Leader (TL) should ensure the safety of the team by directing the thorough securing of the remaining rooms of the site. This will normally require informed consent as well. Until the target is positively identified, consent can be withdrawn at any time prior to an arrest. Once the fugitive is physically located, officers may complete the arrest.

The Contact Officer and only the Contact Officer will speak to people at an arrest location. Cover Officers should direct their attention to ensuring that the scene remains secure. If asked a question the Cover Officer shall direct the person to the Contact Officer.²

Prior to departing the residence, obtain all available identification relating to the fugitive's nationality, as well as any necessary medication. All fugitives shall be questioned as to their health before removing them from the location where they are encountered. If a fugitive has a serious medical problem, the TL should decide whether or not to effect the arrest. All fugitives who are not citizens and nationals of Mexico or Canada will be questioned as to whether they have a travel document before they are removed from the arrest site. Officers should secure available travel documents while the alien is still at the residence.

In the event that the team is conducting a check at the fugitive's last known employer, it may be best to meet with the personnel manager when conducting this visit. When speaking with the personnel manager the TL should emphasize that you wish to speak

² *Contact and Cover* by Steve Albrecht is an excellent training resource for those officers who have never had formal training in 'Contact and Cover' principles.

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with only one employee and that you are not there to inspect/review any I-9 forms. If the fugitive is still employed there, request the personnel manager to have the fugitive report to the personnel office, at which time you can effect the arrest in a confined area and prevent disruption of the work area and other personnel.

Officers should leave information, including a telephone number, indicating where the fugitive will be detained and how to contact that person.

Nothing in this section prohibits an officer from entering into an area of a business or other activity to which the general public has access without a warrant, consent or any particularized suspicion in order to question any person whom the officer believes to be an alien concerning the alien's right to be or remain in the United States.

Fugitives Encountered in Vehicles

In the event a fugitive is encountered while in his or her vehicle it is preferable that the arrest be made once the fugitive exits after parking. However, if waiting for the fugitive to stop is not an option, officers may conduct formal vehicle stops consistent with local and state policy. If sufficient assets are in place and previous operational planning has taken place for this contingency, a ruse stop, as provided during previous fugitive operations training sessions, may be used in lieu of a traditional full felony vehicle stop. Previously established liaison with local agencies could prove beneficial, as some agencies will provide assistance, such as conducting a ruse stop in one of their marked vehicles.³

VI. SUPERVISION

Supervisors are encouraged to accompany teams in the field whenever possible. A designated supervisor shall be reachable at all times when a team is conducting an operation. A supervisor will respond to the Team Leader's field location when requested to do so.

VII. CRITICAL INCIDENTS

If a unit is involved in a critical incident the TL or senior officer present will immediately notify their supervisor. The supervisor will immediately report to the location to gather information, secure the scene and provide assistance to the officers involved. Any officer who participates in or observes a reportable shooting incident shall follow the reporting requirements set forth in the (b)(7)(E) Supervisors should have a plan in place for conducting debriefings and counseling following critical incidents. One method is to contact a local law enforcement agency that has an established Critical Incident Response Team. These teams can help alleviate the psychological impact of a critical incident.⁴

³ Officers are reminded that vehicle pursuits of any type are forbidden. [See 19.3]

⁴ Information on Critical Incident Stress management can be obtained from the International Critical Incident Stress Foundation at 410-750-9600.

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agency should be consulted prior to either a public or private acknowledgement of their assistance.

Operations with the potential to generate publicity (positive or negative), garner media attention, cross-jurisdictional boundaries, or involve multiple agencies require an OP Plan be forwarded to HQDRO for approval. As part of the approval, HQDRO will designate the official name of the operation.

XI. TACTICAL OPERATIONS

Full tactical (SWAT type) operations are not justified during fugitive operations when only administrative warrants are being enforced. Only during the serving of criminal arrest/search warrants may this type of operation be justified. Chief, Fugitive Operations Branch is assigned to developing a program for the tactical training of HQDRO designated Fugitive Operations Teams.

To that end training programs (private, local law enforcement agencies, and military) shall be evaluated to see which courses would provide the level of training needed to conduct tactical service of criminal arrest/search warrants. Supervisory Deportation Officers of HQDRO designated Fugitive Operations Teams will seek training programs in their areas and provide information to the Chief, Fugitive Operations Branch. Courses approved for attendance which meet the training requirements needed to conduct tactical operations will be published by separate correspondence.

XII. POST APPREHENSION DEBRIEF

Supervisors shall conduct a post apprehension debrief following each operation. This is particularly important if problems are encountered during the operation. The supervisor shall maintain a written record of the debrief which will include a section on 'Lessons Learned' if appropriate. These debrief records will form the base for future training and even suggestions for updates/changes to this manual. The debrief shall be attached to a copy of the OpPlan or FOW.

XIII. REPORTING REQUIREMENTS

Officers are reminded that arrests must be reported weekly unless HQDRO directs more frequent reporting. The Fugitive Operations Apprehension Report shall be used to report all fugitive arrests. (b)(7)(E)

**FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE**

SUBJECT: Addition to Section 5, Chapter 19 of the DDFM
Page 2

The purpose of the contact is to ensure that the agency or entity's name who we wish to use as a cover has an opportunity to raise concerns about how our use of their name will affect their public image or raise security concerns for their employees. Private entities can be particularly sensitive to the use of their name in law enforcement operations.

If the affected agency or entity has concerns with the use of the ruse, contact the Headquarters Fugitive Operations Unit. The HQ/FOU will weigh the affected agency or entity's equities and concerns against the well-known and inherent advantages that a ruse offers. It is our intention to use whatever means available to ensure that officer, target and innocent third party safety is not compromised.

Any questions regarding this policy should be directed to (b)(6),(b)(7)(C) Chief, Headquarters Fugitive Operations Unit at (202)351-(b)(6),



U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

HQDRO 50/12 8

Office of the Director

801 I Street NW
Washington, DC 20536

September 3, 2003

MEMORANDUM FOR ALL FIELD OFFICE DIRECTORS
DEPUTY ASSISTANT DIRECTOR FOR FIELD OPERATIONS

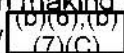
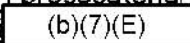
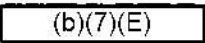
FROM: 
Anthony S. Tangeman
Director
Office of Detention and Removal

SUBJECT: Addition of Chapter 19, Section 8 (Prosecutions) of the Detention and
Deportation Officer's Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 8, Chapter 19 (Prosecutions).
Accordingly the DDFM is changed as follows:

19.8 Prosecutions

I. POLICY

Officers shall review and select cases for prosecution under Title 8 USC. In making the determination whether to prosecute a case or not, officers will be guided by  (b)(6), (b)(7)(C) of the *Detention and Deportation Officer's Field Manual (DDFM)*. A legal opinion on the exercise and limitations on prosecutorial discretion is found in the *Special Agent's Field Manual (SAFM)* in  (b)(7)(E). Additional guidance can be found in the Commissioner's memorandum dated November 17, 2000, which can be found in the SAFM's  (b)(7)(E).

II. DISCUSSION

Deportation officers have the necessary authority, by law, to present violators of the Immigration and Nationality Act (INA) for prosecution. Additionally, they have the authority to prosecute for other than intrinsically INA violations when it deals with violations against the officers themselves. However, officers must understand that the primary mission of the National Fugitive Operations Program is not to punish fugitives

for violating the INA, but to arrest and remove them from the United States pursuant to law. Given the fact that some violations are more egregious and may be compounded by other facts, prosecution is still a necessary tool for the officer and should be pursued as appropriate. Supervisors shall determine if D&R officers should pursue prosecution.

Attorney General John Ashcroft recently sent a memorandum to all United States Attorneys regarding the issue of, "Litigation involving detention of aliens with final orders of removal." That memorandum provides, in part:

Now that the Supreme Court's decision in Zadvydas has focused attention on the length of time it takes to remove aliens, it is particularly important that aliens be deterred from obstructing efforts to remove them. It is a criminal offense to fail to seek to comply with a removal order or to prevent removal or to refuse to cooperate with the INS to obtain travel documents. 8 U.S.C. §1253(a)(1). Such practices cannot be tolerated. Accordingly, INS prosecution recommendations under this provision should be given high priority.

The Supreme Court's decision in Zadvydas will inevitably result in the release of some aliens previously determined to pose a risk to the community or of flight. Those aliens should be released under an INS order of supervision. It is a criminal offense to violate an order of supervision. 8 U.S.C. §1253(b). Violating an INS order of supervision is a serious offense, and INS Prosecution recommendations in this area also should be given high priority.

Officers within D&R, again, have the authority to pursue many different violations. However, for the purpose of this chapter DRO officers will concentrate on only three primary violations:

- Title 8 United States Code, Section 1253(a);
- Title 8 United States Code, Section 1253(b); and,
- Title 8 United States Code, Section 1326.

Pre-prosecution groundwork with the local United States Attorney (USA) or Special Assistant United States Attorney (SAUSA) will provide the necessary guidance for creation of the officer's affidavit in support of the criminal complaint. Officers are to ensure that all elements of the violation they are charging the subject with are documented in their affidavit. The below listed sections are provided as a guide to assist in the successful prosecution of these violations.

Officers processing any alien who is being anticipated for prosecution should complete, in addition to completing all the normal processing as set forth in Interim Enforcement Procedures – *Standard Operating Procedures for Enforcement Officers: Arrest, Detention, Processing and Removal*, a Form

(b)(7)(E)

 (Warning of Rights) should also be completed.

In the event an alien (fugitive or not) indicates that they will attempt to hamper their removal by any action contrary to the statute in section 243(a), the officer should take the steps to document their notification that such actions are, in fact, violations of the INA. This documentation could be a Memorandum to File or on a G-166C. The alien should be served a (b)(7)(E) that should be placed in their A-file. The alien should be provided a signed copy.

Additionally, any alien who is being released on an Order of Supervision, pursuant to the decision in *Zadvydas*, should be served with a (b)(7)(E) prior to release. This documents the alien's notification that failure to adhere to the requirements of the order of supervision is a violation of section 243(b) of the INA. Without such notification it may be literally impossible to prosecute an alien under this section. This form should also be placed in the alien's A-file.

Sections of Title 8 Applicable to Fugitives

Title 8 United States Code, Section 1253(a) (Section 243 of the INA)

(a) Penalty for Failure to Depart

(1) In general

Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237(a), who—

(A) willfully fails or refuses to depart from the United States within a period of 90 days from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court,

(B) willfully fails or refuses to make timely application in good faith for a travel or other documents necessary to the alien's departure,

(C) connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or

(D) willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order,

shall be fined under title 18, United States Code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237(a)), or both.

ELEMENTS

1. The defendant;
2. Is an alien;
3. Final order is outstanding;
4. Defendant is a member of the classes described in section 1227(a); and,
 - A. Willfully fails or refuses to depart within 90 days;
 - B. Willfully fails or refuses to make timely application for travel documentation;
 - C. Connives or conspires to prevent or hamper departure; or,
 - D. Willfully fails or refuses to present himself for removal.

SATISFACTION OF THE ELEMENTS

1. The defendant;
2. Is an alien;
3. Final order is outstanding;
4. Defendant is a member of the classes described in section 1227(a); and,
 - A. Willfully fails or refuses to depart within 90 days:
 - Proof of service of letter or document from ICE to alien detailing penalties and sanctions available for actions that violate section 243(a) of the Act
 - B. Willfully fails or refuses to make timely application for travel documentation;
 - Testimony of Deportation Officers attempting to work with defendant to obtain travel documents
 - Proof of service of letter or document from ICE to alien detailing penalties and sanctions available for actions that violate section 243(a) of the Act
 - Any documents the alien was required to sign wherein he refused
 - In the event the alien requests release from detention (based on his or her belief that there is no significant likelihood that he or she will be removed in the reasonably foreseeable future), and request is denied by ICE for lack of compliance or failure to cooperate:
 - Documentation submitted by alien in support of written request for release, wherein he or she details his or her efforts to comply with the obligation to effect his or her removal and cooperation with the process of obtaining necessary travel documents
 - ICE response to request, detailing efforts alien needs to make or what he or she should do in order to assist in securing travel documents, as well as consequences of failure to make such efforts or to cooperate
 - Alien's response to ICE response

- C. Connives or conspires to prevent or hamper departure:
- Testimony of deportation officers attempting to effectuate removal of defendant
 - Proof of service of letter or document from ICE to alien detailing penalties and sanctions available for actions that violate section 243(a) of the Act
 - Any documents the alien was required to sign wherein he refused
 - In the event the alien requests release from detention (based on his or her belief that there is no significant likelihood that he or she will be removed in the reasonably foreseeable future), and the request is denied by ICE for lack of compliance or failure to cooperate:
 - Documentation submitted by alien in support of written request for release, wherein he or she details his or her efforts to comply with the obligation to effect his or her removal and cooperation with the process of obtaining necessary travel documents
 - ICE response to request, detailing efforts alien needs to make or what he or she should do in order to assist in securing travel documents, as well as consequences of failure to make such efforts or to cooperate
 - Alien's response to ICE response
- D. Willfully fails or refuses to present himself for removal:
- Testimony of deportation officers regarding alien's failure to appear
 - Proof of service of letter or document from ICE to alien detailing penalties and sanctions available for actions that violate section 243(a) of the Act
 - Proof of service of Form I-166, notifying alien to appear for deportation.

DETAILED GUIDANCE

Collateral attack of underlying deportation order. For an alien to collaterally attack his underlying deportation order in a 243(a) prosecution, he must show that (1) defects in the underlying deportation proceeding violated his due process rights, and (2) he was prejudiced by the defects. To show that the proceedings violated his due process rights, the alien must show that they were fundamentally unfair and that he was prohibited from reasonably presenting a case. The failure of his attorney to submit an appeal brief to the BIA may, in the deportation case, amount to a due process violation. But, the alien must also show resulting prejudice. To do this, he must show possible grounds of relief for which he might have been eligible had he not been deprived of his rights. An attorney's failure to notify the alien of a BIA decision in his case is not a violation of the alien's due process rights. United States v. Ayeni, 66 F.Supp.2d 617 (M.D. Pa. 1999).

Title 8 United States Code, Section 1253(b) (Section 243 of the INA)

(b) Willful Failure to Comply with Terms of Release Under Supervision

An alien who shall willfully fail to comply with regulations or requirements issued pursuant to section 241(a)(3) or knowingly give false information in response to an inquiry under such section shall be fined not more than \$1,000 or imprisoned for not more than one year or both.

ELEMENTS

1. The alien
2. A. Willfully fails to comply with regulations or requirements issued pursuant to section 241(a)(3); or,

B. Knowingly gives false information in response to an inquiry under section 241(a)(3)

SATISFACTION OF THE ELEMENTS

1. The alien
2. A. Willfully fails to comply with regulations or requirements issued pursuant to section 241(a)(3):
 - Testimony of Deportation Officer that alien failed to report periodically for identification as required by order of supervision
 - Proof of service of letter or document from ICE to alien detailing penalties and sanctions available for actions that violate section 243(b) of the Act
- B. Knowingly gives false information in response to an inquiry under section 241(a)(3):
 - Evidence that alien provided false address upon or after release:
 - Testimony of Deportation Officers
 - Documentation completed by alien upon release which includes address given by alien
 - Form AR-11 completed by alien for change of address
 - Evidence of alien's correct address
 - Proof of service of letter or document from ICE to alien detailing penalties and sanctions available for actions that violate section 243(b) of the Act.

Title 8 United States Code, Section 1326 (Section 276 of the INA)
--

(a) Subject to subsection (b), any alien who—

(1) has been denied admission, excluded, deported, or removed, or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter

(2) enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his embarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this or any prior Act, shall be fined under title 18, United States Code, or imprisoned not more than 2 years or both.

(b) Notwithstanding subsection (a), in the case of any alien described in such subsection—

(1) whose removal was subsequent to a conviction for commission of three more misdemeanors involving drugs, crimes against the person, or both, or a felony (other than an aggravated felony), such alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

(2) whose removal was subsequent to a conviction for commission of an aggravated felony, such alien shall be fined under such title, imprisoned not more than 20 years, or both. For the purpose of this subsection, the term "deportation" includes any agreement in which an alien stipulates to deportation during a criminal trial under either Federal or State law;

(3) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Attorney General, enters the United States, or attempts to do so, shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence. [sic] or

(4) who was removed from the United States pursuant to section 241(a)(4)(B) who thereafter, without permission of the Attorney General, enters, or attempts to enter, or is at any time found in the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

For the purpose of this subsection, the term "removal" includes any agreement in which an alien stipulates to removal during (or not during) a criminal trial under either Federal or State law.

(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law.

(d) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order,

(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and,

(3) the entry of the order was fundamentally unfair.

ELEMENTS

1. The defendant
2. Is an alien
3. Who has been
 - A. Arrested and deported,
 - B. Excluded and deported, or
 - C. Removed
4. Thereafter either
 - A. Enters the United States
 - B. Attempts to enter the United States, or
 - D. Is at any time found in the United States.
5.
 - A. Prior to his removal, or
 - B. Prior to his application for admission from a foreign contiguous territory,
6. The alien did not obtain (or receive) the consent of the Attorney General to reapply for admission.

ADDITIONAL ELEMENT REQUIRED BY SOME COURT'S IN CASES WHERE THE DEFENDANT IS TO BE CHARGED WITH A PRIOR FELONY OR AGGRAVATED FELONY TO INCREASE THE SENTENCE.

7. The defendant was convicted of:
 - A. A felony, or
 - B. An aggravated felony
8. The deportation was subsequent (after) in time to the conviction.

A NOTICE OF SENTENCING ENHANCEMENT MAY BE REQUIRED AS AN ALTERNATIVE TO ELEMENT #7.

DETAILED GUIDANCE

While some jurisdictions treat the increased punishment for re-entering criminals as a sentencing enhancement that does not belong in the indictment and is not an element of the offense, other courts treat it as an element of the offense. When it is treated as an enhancement, the defendant must be given notice of the enhancement after the grand jury returns the indictment and prior to a plea. If it is treated as an element, the prior conviction must be in the indictment. As of November 1993, the Fifth Circuit considers subsection (b) an enhancement aspect of the statute. U.S. v. Vasquez-Olvera, 999 F.2d 943 (5th Cir. 1993); U.S. v. Martinez-Corte, 988 F.2d 1408 (5th Cir. 1993). The Ninth Circuit considers it an element. U.S. v. Campos-Martinez, 976 F.2d 589 (9th Cir. 1992). The Eleventh considers it an enhancement. U.S. v. Adeleke, 968 F.2d 1159 (11th Cir. 1992). In Rhode Island it is an element. U.S. v. Vieira-Candelario, 811 F.Supp. 762 (D. R.I. 1993). Elsewhere, no published cases have been identified, therefore, elsewhere it is treated as an enhancement pursuant to the United States Attorney Bulletin of July 15, 1991, pg 189 requesting it to be treated as an enhancement.

AFFIRMATIVE DEFENSE

With respect to an alien previously excluded and deported, he may establish that he was not required to obtain such advanced consent under this or any prior Act.
8 USC § 276(a)(2)(B).

While the government does not need to prove the defendant specifically intended to violate 8 USC § 1326, the government must establish a general intent on the part of the defendant. U.S. V. Espinoza, 873 F.2d 743 (4th Cir. 1989); U.S. v. Anton, 683 F.2d 1011 (7th Cir 1982); U.S. v. Hussein, 675 F.2d 114 (6th Cir, 1982).

The elements are arrest, deportation, re-entry and lack of attorney general permission.
U.S. v. Vasquez-Olvera, 999 F.2d 943 (5th Cir. 1993).

Illegal re-entry is not required to establish "found in." U.S. v. Gay, 7 F.3d 200 (11th Cir. 1993).

SATISFACTION OF THE ELEMENTS

1. Identifying the defendant:
 - Fingerprints;
 - Admissions of the defendant optional;
 - Information from the case officer requiring testimony, optional;
 - Personal identification (e.g., passport, drivers license, etc.), optional;
 - Photos of the defendant, requiring witness testimony making identification, optional; or,
 - Scars and other identifying marks requiring testimony of witnesses making identification, optional.
2. Is an alien:
 - Documents in A-file (e.g., I-213, I-214, etc.);
 - Various ICE and other law enforcement data bases;
 - Personal identification (e.g., passport, drivers license, etc.) May require expert testimony of the arresting officer; or,
 - Admissions of the defendant.

Note: A finding by an immigration judge is not conclusive proof of alienage due to lower burden. U.S. v. Meza-Soria, 935 F. 2d 166 (9th Cir. 1991). If the A-file does not have a document signed by the alien that proves alienage and there is no admission through a statement or I-213, the officer needs to begin to acquire foreign records of birth, a passport, military service records or some other formal document that can be positively tied to the defendant and proves his place of birth.

3. Who has been:
 - A. Arrested and Deported (include deportation pursuant to section 217 of the Act, with respect to Visa Waiver Program):
 - I-221- OSC / I-862 – NTA / I-860 – Notice and Order of Expedited Removal;
 - I-213, Record of Deportable Alien;
 - I-205, Warrant of Deportation or I-296, Notice to Alien Ordered Removed, containing fingerprint of the alien and signatures of the alien and ICE officer effecting the deportation; (**Note: The signature of a contract guard does not satisfy the ICE officer signature requirement.**);
 - I-294, Advisal of penalty for reentry or I-296 (helpful in proving knowledge of the violation);

- Copy of the final order, either from the immigration judge, BIA or circuit court decision;
- Fingerprint comparison between the one on the I-205 and a known print of the defendant (Requires testimony of a fingerprint expert.);
- Copy of the tape from the deport/exclusion hearing **(Required to defend against expected challenges to the due process of the deportation.)**;
- Affidavit from the ICE officer who read the deport order to the alien. **(Required that the officer be interviewed prior to presentation of the case.)**;
- Affidavit from the ICE officer who witnessed the deportation of the alien. **(Required that the officer be interviewed prior to presentation of the case.)(Testimony will be required at the trial.)**

B. Excluded and Deported (includes exclusion pursuant to section 217 of the Act):

- I-110 and I-122, optional;
- I-213, optional;
- I-296, Notice to Alien Ordered Excluded by Immigration Judge with fingerprint of alien and signatures of alien and ICE officer, **(Required)**;
- Immigration Judge decision. If not final, copies of the BIA decision and/or circuit court decision. Certified copies preferred, but since ICE was a party to the proceedings and received a copy as a party, many courts treat the copy in the A-file as an official record during normal ICE business. **(Required)**;
- Copy of the tape from the deport/exclusion hearing. Obtained from EOIR by written request for tape and cover letter from EOIR custodian of the records. **(Required to defend against expected challenges to the due process of the deportation.)**;
- Fingerprint comparison between known print and the print of the I-296. Testimony of the fingerprint expert. **(Required)**;
- Affidavit from ICE officer who read the exclusion order to the alien. **(Required that the officer be interviewed prior to presentation of the case.)**
- Affidavit from ICE officer who witnessed the exclusion of the alien. **(Required that the officer be interviewed prior to presentation of the case.)(Testimony will be required at the trial.)**

Note: If the I-205 or the I-296 is not signed by the FOD the case will require a sworn affidavit or memo showing that the person who signed the document had authority to do so. Do not include as an exhibit unless the defendant raises it as a defense.

4. Thereafter either

- A. Enters (If unable to prove time, place and manner of entry, go to Part C below for prosecution under "found in." Even in cases where the entry can be proven, "found in" is an easier case to prove because it only depends on the officer's testimony that first "found" the alien in the United States.)
- Admission by the defendant **(Requires the testimony of the officer who took the statement)**;
 - I-213, Record of Deportable Alien **(Requires the testimony of the officer who completed the form)**;
 - Passport with admission stamp **(Requires the testimony of the officer who seized the document)**; or,
 - Additional optional records: Customs declaration, foreign documents showing alien in foreign country, (b)(7)(E) **(Also requires testimony.)**
- B. Attempts to enter: Defendant apprehended at border. **(Testimony of arresting officer or secondary inspector who made the decision not to admit the defendant.)**
- C. At any time is found in the United States: Statement from the arresting officer, surveillance officer or ACAP officer who interviewed the defendant in jail. **(Testimony of the officer is required.)** **Note:** Use this charge if unable to establish time, place and manner of entry. Also it is easier to prove if the entry was not witnessed. Instead of proving a past event that was not witnessed by an officer, an officer can easily testify as to where he found the defendant.

5. A. Prior to his removal, or

- B. Prior to his application for admission from a foreign contiguous territory, the alien did not seek or obtain the consent of the Attorney General to reapply for admission: Certification from Headquarters of non-existence of records. Written certification should be ordered immediately upon authorization of the case, but verbal affirmation should be noted in the case report.

FOR SENTENCE ENHANCEMENT PURPOSES

In jurisdiction where the prior conviction is an enhancement factor, the burden of proof should be lower because the issue is a sentencing factor. In courts where the prior conviction is an element of the offense, the agent **will** be required to prove the conviction relates to the defendant beyond a reasonable doubt.

6. The defendant was convicted of:
 - A. A felony, or,
 - B. An aggravated felony.
 - Certified copies of judgment and conviction (J&C) documents;
 - Connect J&C to the defendant; and,
 - Fingerprint analysis between known prints and conviction prints. ***(Requires testimony of fingerprint expert.)***
 - Photos from A-file and criminal file ***(Requires testimony of identifying custodian of records.)***
 - Police reports ***(Requires testimony of reporting officer.)***
 - NCIC/NLETS ***(Requires testimony of custodian of records)***
 - If alien was originally deported for the crime in question, use OSC/NTA and IJ decision.
7. Deportation was subsequent in time to the conviction.

SPECIAL SITUATION

For information on absentia deport orders and/ or where the alien self-deports, see (b)(7)(E) of the Act. Self-deportations will not result in an "arrest and deportation" as required by the statute. U.S. v. Wong Kim Bo, 466 F.2d 1298 (5th Cir. 1972). In cases where the deportation order was granted in absentia, the only concern is the alien's knowledge of his order, but that is established through the arrest and deport. The standard challenge in re-entry cases is to attack the IJ's order as being invalid for lack of due process. Most often the courts want to know if the defendant had the opportunity for judicial review of his deportation proceedings.

III. PROCEDURE

Preparing for Prosecution

The below steps have been designed around a prosecution for a re-entry violation (8 USC 1326). However, the steps should be the same for any prosecution attempted. Review the process and check with your U.S. Attorney's Office or district counsel [if they are designated Special Assistant U.S. Attorney (SAUSA)] to determine if this meets or exceeds your district requirements and adjust your process accordingly.

- 1) Print Prosecution Check Sheet (based on requirements listed below)
- 2) Review the file for elements of the crime
 - a) Subject is an Alien
 - b) Subject was deported as an Aggravated Felon.
 - c) Subject was found in the US subsequent to the removal
 - d) Subject did not receive permission to reenter the US
- 3) Run and print NCIC report on subject.
- 4) From the FBI, order fingerprint cards on the arrests.
- 5) Prepare Request for Nonexistence of Record and fax to the Records Certification Unit. Mark it with Return Receipt. (See example (b)(7)(E))
- 6) Verify there are certified copies of the convictions in the file. The only necessary records are the ones that made the subject an Aggravated Felon.
- 7) If the records are not in the file, order them. It may require contacting the court clerks and requesting a certified copy.
- 8) Prepare Fingerprint Certification.
- 9) Make copies of Exhibit Documents
 - a) Reinstatement
 - b) Sworn Statement
 - c) All I-213s
 - d) Executed Warrant of Removal
 - e) IJ Order or Admin Deport Order
 - f) OSC/NTA or Notice of Admin Deport
 - g) Copy of J&Cs
 - h) Fingerprint Certification
 - i) Request for Certificate of Nonexistence of Record
 - j) Any other supporting documents or documents that may enhance the sentencing
- 10) Sort the exhibits in descending order and label.
- 11) Prepare Index of Exhibits
- 12) Prepare Prosecution Report. (b)(7)(E)
- 13) Make three (3) copies of the *Index of Exhibits* and all the *exhibits*
 - a) for AUSA
 - b) for Defense
 - c) for ICE (A-File) file

- 14) Make copies for ICE file
 - a) NCIC printout
 - b) Cover Memo to AUSA
 - c) Prosecution report
- 15) Prepare Criminal Complaint, Arrest Warrant and Affidavit. (See samples
(b)(7)(E))
- 16) Prepare Detainer, (b)(7)(E)
- 17) Prepare Marshals Arrest Sheet. Attach a copy of the:
 - a) signed Complaint
 - b) signed Arrest Warrant
 - c) Detainer
 - d) Have the deputy sign receipt for the detainer
- 18) Prepare Pre-trial Services Worksheet. Attach a copy of the:
 - a) signed Complaint
 - b) signed Arrest Warrant
 - c) Detainer

Ready for Prosecution

- 1) Case to AUSA to initial the Complaint.
- 2) Case to US Magistrate Judge to sign the Complaint, Affidavit and Warrant
 - ✓ Court clerk will instruct you to make copies of the package
 - ✓ Make an additional three (3) copies, one each for:
 - a) our records (have this one certified by the court clerk)
 - b) Marshals
 - c) Pre-trial
- 3) To Marshals
 - a) Marshals Arrest Sheet
 - b) Detainer
 - c) Copy of Complaint
 - d) Copy of Warrant
- 4) To Pre-trial Services
 - a) Pre-trial Services Worksheet
 - b) Detainer
 - c) Copy of Complaint
 - d) Copy of Warrant
- 5) Fax I-203 to Detention to transport subject to the Marshals

Memorandum for Distribution
Subject: Addition of 19.8 to DDFM

Page 16

Testifying

While many cases are settled prior to a trial date, officers have to be prepared to testify in federal court. A useful guide for conducting yourself during your court appearance is contained in (b)(7)(E) of the *Inspector's Field Manual*.

Chief, Fugitive Operations Branch shall be responsible for updating/changing this section as required.



U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

HQDRO 50/12.8

Office of the Director

801 I Street NW
Washington, DC 20536

MEMORANDUM FOR ALL FIELD OFFICE DIRECTORS

ATTORNEY GENERAL DIRECTOR FOR FIELD OPERATIONS

(b)(7)(E)

FROM: *Anthony J. Tangelman*
Director
Office of Detention and Removal

SUBJECT: Addition of Chapter 19, Section 9 [Bureau of Immigration and Customs Enforcement (ICE) Most Wanted Program] of the Detention and Deportation Officer's Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 9, Chapter 19 [Bureau of Immigration and Customs Enforcement (ICE) Most Wanted Program]. Accordingly, the DDFM is changed as follows:

19.9 Bureau of Immigration and Customs Enforcement (ICE) Most Wanted Program

L. POLICY

All Field Offices shall create Wanted Posters for aliens designated as fugitives. (b)(7)(C), (b)(6) contains information on how to complete a Wanted Poster. Only the Wanted Poster (b)(7)(C) authorized by Headquarters, Fugitive Operations Branch (HQFOB) and Regulations and Forms Services Division is authorized for use. No changes or deviations are to be made to this form. Earlier formats and locally customized formats are no longer authorized. The only 'Most Wanted' Poster authorized is the ICE Most Wanted Program administered by HQFOB. Field Offices desiring to nominate a target for inclusion to the 'Most Wanted' program should forward a copy of the target's folder to HQFOB.

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II. GENERAL PROCEDURES

The purpose of creating and distributing "wanted posters"¹ relating to targeted fugitive aliens is to ensure the greatest likelihood of locating and apprehending these aliens. The use of wanted posters is a *proactive* approach in conducting fugitive operations as opposed to placing cases into the NCIC system, which is *reactive* in nature. However, both should be used when conducting fugitive operations. It is recommended that wanted posters only be used in cases that are actually being worked, as they can be distributed to the appropriate agencies as the case continues to progress and additional leads and information are developed. When starting to work the case, verification should be made that it has been entered into NCIC. This is important so that any contact between the absconder and another Law Enforcement Agency (LEA) can lead to apprehension for or by ICE.

Distribution

Copies of wanted posters should be distributed to various federal, state and local law enforcement agencies, as well as, other agencies such as the department of motor vehicles, parole and probation offices, bank security divisions and any other agency which may be of assistance. Examples of other agencies and/or entities are correctional facilities, District Attorney's offices, state insurance fraud bureaus, and state bureaus of special investigations, airline security divisions and Confidential Informants².

Distribution List

The following is a list of agencies with a brief description of how the particular agency may be of assistance with this program in a FOT's jurisdiction. It is important that, practical, personal liaison be established with "key" personnel assigned to each agency where wanted posters are distributed in your jurisdiction, along with a brief explanation of the ICE's mission. One of the most important points to stress is that these fugitives have already completed the hearing process and have outstanding Warrants of Deportation/Removal, which means their removal can be expeditiously accomplished subsequent to apprehension. This will increase the likelihood of other agencies proactive participation and assistance in attempts to locate wanted fugitives. It should also be explained that these cases have been entered into NCIC, if applicable. Distribution of wanted posters should be limited to fugitive cases in your operational area.

When a fugitive is apprehended, it is important to contact the personnel that you previously made contact with in order to make them aware of the apprehension. This

¹ "Wanted Posters" have been around as long as there have been criminals. Indeed early U.S. Marshals used wanted posters to spread information about fugitives. As time went by sketches and eventually photographs were attached. The modern success stories in poster programs are the FBI's Top Ten and the Marshals Service Top 15 Program.

² If the decision is made to provide a copy of a "wanted Poster" to a Confidential Informant, they should be warned to keep them in a secure location.

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can be easily accomplished by listing these agency personnel as "leads" on form G-176 during the course of your fugitive investigation. This will save these agencies unnecessary time and effort attempting to locate the fugitive for ICE and will enhance the rapport between agencies.

Oftentimes, when conducting liaison with personnel from other law enforcement agencies, the question is asked by what authority they can apprehend ICE fugitives. It is recommended that ICE personnel instruct them to consult with their own legal department regarding this matter. Advise them that ICE is only seeking information that they may be able to provide as to the whereabouts of wanted ICE fugitives.

FEDERAL AGENCIES

U.S. DEPARTMENT OF HOMELAND SECURITY

Wanted posters should be distributed to the various agencies or bureaus that make up the Department of Homeland Security. A partial list of these agencies and bureaus includes:

- Bureau of Immigration and Customs Enforcement, Office of Investigations
- Transportation Security Administration
- Federal Air Marshals
- Office of Air and Marine Interdiction (ICE)
- Federal Protective Service³
- Bureau of Customs and Border Protection (Inspections)
- U.S. Border Patrol
- United States Secret Service
- Bureau of Citizenship and Immigration Services

U.S. Passport Office/Bureau of Diplomatic Security⁴

Wanted posters may be distributed to the local office in the event the alien attempts to obtain a U.S. passport. This has proven to be extremely helpful when dealing with fugitives using fraudulent Puerto Rican birth certificates as proof of citizenship.

Drug Enforcement Administration (DEA)

³ HQ Fugitive Operations Branch (FOB) is currently working with FPS. The "Most Wanted" poster is distributed in their daily newsletter

⁴ Should problems arise, contact HQFOB.

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Because most of the wanted posters contain information relating to convicted drug traffickers, it is possible that DEA may have information on their whereabouts. DEA may also have ongoing investigations relating to these individuals, which may prove to be of interest in the area of officer safety. Additionally, these individuals may be acting as Confidential Informants for DEA. *Although ICE is sometimes aware of this information, this is not always the case.*

Internal Revenue Service (IRS)

The amount of information that the IRS can provide is very limited due to disclosure constraints. Virtually no information can be provided without a court order. However, IRS receives many anonymous calls from people who lodge complaints about aliens not paying taxes, which may prove to be beneficial.

Alcohol, Tobacco & Firearms (ATF)

Because many of the aliens wanted by ICE have been arrested and/or convicted of a firearm offense, it is possible that the local ATF office may have information on them. If you are attempting to locate an individual who is known or believed to carry firearms, ATF may provide an agent to assist with the apprehension, depending on the rapport that you have established with the local office. Additionally, if an ATF agent is working with you when an apprehension is made of an alien who has a firearm at the time of the arrest, ATF may want to take custody of the alien and prosecute him/her criminally. In those instances, you will need to lodge an ICE detainer (b)(7)(E) with the arresting agent or the U.S. Marshals Service.

U.S. Marshals Service

Many of the local U.S. Marshals offices have established Fugitive Units. If you receive information that a wanted ICE fugitive was on federal parole or probation and has violated that status, the U.S. Marshals may also be attempting to locate that individual. They may have useful information for ICE or ICE may have information useful to their case/operation.

Federal Bureau of Investigation (FBI)

Wanted posters may be distributed to local FBI Foreign Counter Intelligence and Drug Units⁵. The FCI Unit may be interested in aliens from hostile countries and may have information regarding them. The Drug Unit may have information on aliens involved in drug trafficking. Also, many FBI agents are assigned to various local, state and county task forces, and information/wanted posters should be provided to them. It is also important to contact the FBI regarding these cases as the FBI has a large network of Confidential Informants, some of which may be the targets of your investigation.

⁵ ICE Most Wanted Information will be sent from HQFOB. The Custody Review Unit (CRU), which is part of HQFOB, can assist by coordinating with ICE's National Security Unit (NSU).

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Contact should be made with the controlling FBI agent and local ICE management should also be apprised of the situation.

Department of Labor (DOL)

The DOL may be a useful point of contact as the fugitive may be receiving some form of workman's compensation, possibly as the result of an industrial accident. Also, the fugitive may be in the process of applying for certain benefits from the DOL.⁶

Social Security Administration (SSA)

The Social Security Administration can be an outstanding source of information in providing employer information relating to wanted fugitives. *Section 290 of the Immigration and Nationality Act requires that the SSA provide employer information to ICE when requested.*⁷

STATE/OTHER AGENCIES/ENTITIES

Bureau of Special Investigations (BSI)

Many states may have agencies such as these. In some states, the BSI provides information relating to individuals who are collecting state benefits such as welfare, unemployment, food stamps, etc. The BSI may provide personnel to assist by sending a "call-in" letter to the wanted fugitive in order to assist ICE in effecting their arrest. *It is important to remember that most drug dealers do not work and many are collecting state benefits!*

Financial/Insurance Fraud Associations

Some states have agencies that combat financial and insurance fraud. Many times these may be private agencies funded by state government. It is extremely important to initiate liaison with local personnel from these agencies, as they tend to have extensive financial and insurance related databases. You should remember that, quite often, their investigations involve aliens, and they may be in need of your assistance as much as ICE needs them.

State Police

Wanted posters should be provided to State Police Departments. They should be provided to both the uniformed and non-uniformed troopers (detectives). You should also find out if State Police officers are assigned to local drug task forces and provide

⁶ HQFOB is working with DOL to coordinate the exchange of information. HQFOB will send any information it receives to the field as 'Hot Leads'.

⁷ HQFOB is working with SSA to coordinate the exchange of information. HQFOB will send any information it receives to the field as 'Hot Leads'.

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them with information/wanted posters on ICE fugitives. When you provide copies of the wanted posters to the State Police, you should also include any known vehicles that the fugitives are known to use. This will assist the State Police in determining the identity of an individual or individuals in the vehicle.

Correctional Institutions

Wanted posters should be placed in all correctional facilities, including ICE Service Processing Centers, within your respective area of responsibility. The most effective area for placement would be the inmate processing area. It is particularly important that all aliases be noted on the wanted poster.

Department of Motor Vehicles (DMV)

In addition to information that DMVs can provide concerning aliens, they also can be another force multiplier in looking for a fugitive. Should the target not have a driver's license for his current residence⁶, providing a wanted poster to driver's license examiners or their investigative units could result in an easy apprehension.

Local Police Departments

Local police departments are probably the most useful of all agencies. You should always communicate with the detective units, however you may also want to communicate with the uniformed officers as well. When communicating with police departments, you must ensure that personnel on all shifts are aware of the information. The local police are more likely to come into contact with fugitives than any other agency and they have proven to be a necessary source of information. You should also find out if the department has its own drug unit and housing unit. Many fugitives are found residing in public subsidized housing and the housing police units can get information discreetly through local contacts. In large metropolitan areas, there may be transit police departments. Wanted posters should be given to these departments, especially if the fugitive does not possess a valid driver's license.

Probation Offices

When dealing with probation officers, you must remember that, unfortunately, some officers are sympathetic to their clients and may not provide you with as much information as you may like. In extreme circumstances, they may even contact the alien and inform them of ICE's interest. Experienced ICE officers will usually know the names and telephone numbers of reliable probation officers in the various district courts within their jurisdiction. Posters should only be placed with probation officers that you are sure will not alert the target to our interest.

⁶ Some power companies and agencies that provide financial assistance require proof of a local address.

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Local banks

Most banks have a Director of Security. Liaison should be initiated with these officials, as they are often helpful in providing account information. Security officers frequently meet at regularly scheduled intelligence conferences to discuss problems and concerns. Usually, ICE officers are welcome to attend these meetings and information/wanted posters can be circulated among the attendees.

Airline Security Divisions

Liaison should be established with airline security officials of airlines that have direct flights to countries that fugitives are likely to travel to. Wanted posters may be given to these officials, but these officials should be briefed of the restrictions and prohibitions contained in Section 215 of the Immigration and Nationality Act regarding the departure from the United States of certain classes of aliens.

Confidential Informants

The use of wanted posters with Confidential Informants can reap enormous results, however, a certain amount of caution must be used when doing so. Prior to allowing Confidential Informants to view Service wanted posters, you must be extremely confident in their ability and reliability. These may be Confidential Informants from ICE or other agencies. In any event, you should be thoroughly familiar with all ICE policies and regulations regarding their use. Once again, Confidential Informants should not be given a copy of the poster or if given one, warned to keep them in a secure location. See (b)(7)(E) Confidential Informants.

CLOSING ACTIONS FOR FUGITIVES APPREHENDED USING WANTED POSTERS

Fugitive cases apprehended using a wanted poster should be immediately reported to all agencies/personnel on the wanted poster distribution list. This will foster good liaison and not waste the time of other agencies in looking for fugitives that have already been apprehended and removed. Also make sure that the case is removed from NCIC or transferred into the Deported Felon File (DFF), if applicable. TECS and DACS should be properly updated as well.

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U.S. Immigration
and Customs
Enforcement

JAN 10 2008

MEMORANDUM FOR: Field Office Directors

FROM: John P. Torres
Acting Director

SUBJECT: Update of Chapter 19, Section 11 (Liaison/Task Forces) to the
Detention and Deportation Officer's Field Manual (DDFM)

The DDFM is changed to reflect the update of Section 11, Chapter 19. Accordingly, the DDFM is changed as follows:

19.11 Liaison/Task Forces

I. POLICY

Officers conducting fugitive operations shall avail themselves of every opportunity to liaison with other law enforcement agencies and entities that can be of assistance in the pursuit of ICE fugitives. Where possible and staffing levels allow for it, National Fugitive Operations Program (NFOP) teams shall assign an officer to be a point of contact (POC) to meet regularly with their local Federal Joint Fugitive Task Force.

II. PROCEDURE

LIAISON

The successful apprehension of fugitives cannot be done without developing a good liaison network with both law enforcement agencies and non-law enforcement agencies. A successful fugitive operations team needs to begin their efforts by getting the word out to law enforcement agencies in their jurisdiction that ICE officers are in the field seeking fugitives from ICE.

Local law enforcement agencies are your most valuable resource and every effort needs to be made in establishing good working relationships with them. Local officers are the men and women who are more than likely the ones who have encountered your fugitive in the past or will be the ones that are able to assist you in locating someone in their neighborhoods.

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Subject: Update of Chapter 19, Section 11 (Liaison/Task Forces) to the Detention and Deportation Officer's Field Manual (DDFM).

Page 2

To facilitate in the development of liaison, each fugitive team will initiate the Wanted Fugitive Poster Program (WFPP)¹ within its area of responsibility. With this program in place, you will be able to introduce yourself to the local authorities with wanted posters in hand. More often than not, officers walking into a local police department with a wanted poster will be greeted with open arms and has proven to be very effective with many fugitive teams.

This system will assist you in introducing yourself to local police. You will want to keep in mind that some departments are so large that you may want to get out and introduce yourself to the various shifts as many shifts do not communicate effectively with one another. Some departments just may not have the chance to share our information with all shifts.

An additional tool for use in liaison is the Fugitive Operations Fact Sheet available through HQFOU. This sheet provides information on the background of the NFOP as well as identifies training our officers undergo, explains our Most Wanted program and provides insight on the availability of the NCIC Immigration Violator File. Field Offices may request electronic access to the Fact Sheet to print and distribute locally; if required, HQFOU can also have it translated into various foreign languages as necessary.

Depending on the different departments, you may want to introduce yourself to the detective division, photo and identification units, narcotics units, vice units, gang units, etc... Again, some departments are much larger than others and you may want to keep that in mind.

Officers should also contact state fingerprint labs. Each state is different but most have some sort of lab or center that is a clearinghouse for fingerprint record keeping. Many already clear their print cards through the FBI's NCIC database. Perhaps some sort of mechanism for running ICE fugitive print cards through their state's database could be established. In that event, HQFOU should be notified in order to initiate the process.

Another vital resource is local courts and probation/parole departments. They often interact with people attempting to evade detection by ICE. Establishing contacts and developing a good working relationship with these various departments can go a long way toward the apprehension of our fugitives.

Local jails, correctional facilities and sometimes even the Federal Bureau of Prisons are valuable resources that should not be overlooked when tracking a fugitive. Information that can be gleaned from these facilities includes but is not limited to fugitive and family addresses, work information, visitor logs and updated photographs.

Non-law enforcement agencies such as Departments of Motor Vehicles, Driver's License Agencies, banks, credit unions, and insurance organizations are prime sources of

¹ Officers are reminded that only the ICE Most Wanted (Top Ten) Program Poster (Chapter 19.9) is allowed. In other words do not create a regional 'Top Ten' list but use posters as part of the investigative and liaison process.

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Subject: Update of Chapter 19, Section 11 (Liaison/Task Forces) to the Detention and Deportation Officer's Field Manual (DDFM).

Page 3

information not normally found anywhere else. Telephone and gas, power, and light companies hold a wealth of information on addresses. For instance, you have developed information that your target is living at a particular location. You can take that address to the phone or gas company and see who is listed as the responsible billing parties. Some employers who hire illegal aliens will sign affidavits of financial responsibility or even be listed as the billing party. Such information can open up an entirely new line of investigation.

A successful fugitive team has to seek out these different non-law enforcement agencies in their areas. Many agencies have their own law enforcement or security departments who can provide assistance in obtaining information from a particular agency. One tactic might be to report the state issued driver's license or identification card number to a state's department of motor vehicles with the information that the subject is wanted or has been deported and is not to return to the United States without permission.

Non-law enforcement agencies need to be approached in a more sensitive manner than law enforcement agencies. However, past experience has shown that officers, who fully explain their mission, find that cooperation increases ten fold.

In the event such information is necessary, yet unavailable due to a company or state agency policies, officers should invoke their administrative subpoena powers to overcome such hurdles.

The following is a list of agencies with a brief description of how the particular agency may be of assistance with this program in a FOT's jurisdiction. It is important that, practical, personal liaison be established with "key" personnel assigned to each agency where information is sought, along with a brief explanation of the ICE's mission. One of the most important points to stress is that these fugitives have already completed the hearing process and have outstanding Warrants of Deportation/Removal, which means their removal can be expeditiously accomplished subsequent to apprehension. This will increase the likelihood of other agencies proactive participation and assistance in attempts to locate wanted fugitives. It should also be explained that these cases have been entered into NCIC, if applicable.

When a fugitive is apprehended, it is important to contact the personnel that you previously made contact with in order to make them aware of the apprehension. This can be easily accomplished by listing these agency personnel as "leads" on form G-176 during the course of your fugitive investigation. This will save these agencies unnecessary time and effort attempting to locate the fugitive for ICE and will enhance the rapport between agencies.

Oftentimes, when conducting liaison with personnel from other law enforcement agencies, the question is asked by what authority they can apprehend ICE fugitives. It is recommended that ICE personnel instruct them to consult with their own legal department regarding this matter. Advise them that ICE is only seeking information that they may be able to provide as to the whereabouts of wanted ICE fugitives.

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Subject: Update of Chapter 19, Section 11 (Liaison/Task Forces) to the Detention and Deportation Officer's Field Manual (DDFM).
Page 4

FEDERAL AGENCIES

U.S. Department of Homeland Security

A partial list of these agencies and bureaus includes:

- U.S. Immigration and Customs Enforcement, Office of Investigations
- Transportation Security Administration
- Federal Air Marshals
- Office of Air and Marine Interdiction (CBP)
- Federal Protective Service²
- Bureau of Customs and Border Protection (Inspections)
- U.S. Border Patrol
- United States Secret Service
- Bureau of Citizenship and Immigration Services

U.S. Passport Office/Bureau of Diplomatic Security³

Special Agents with the Bureau of Diplomatic Security have access to their own internal database, which contains information on applications filed for visas to enter the United States. Detailed information can be obtained from the application and interview through this system, in addition to possibly serving as evidence that the subject has already departed the United States. HQFOU has an agreement with the Department of State to match the information in DACS, regarding our fugitives, to their system. This is completed by the Fugitive Operations Support Center located in Burlington, VT.

Drug Enforcement Administration (DEA)

A large number of our fugitive population have a criminal history. A large portion of those have a history with illicit drugs. Therefore, it is possible that DEA may have information on their whereabouts. DEA may also have ongoing investigations relating to these individuals, which may prove to be of interest in the area of officer safety. Additionally, these individuals may be acting as Confidential Informants for DEA. *Although ICE is sometimes aware of this information, this is not always the case.*

² HQ Fugitive Operations Unit (HQFOU) is currently working with FPS. The "Most Wanted" poster is distributed in their daily newsletter

³ Should problems arise, contact HQFOU.

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Subject: Update of Chapter 19, Section 11 (Liaison/Task Forces) to the Detention and Deportation Officer's Field Manual (DDFM).

Page 5

Internal Revenue Service (IRS)

The amount of information that the IRS can provide is very limited due to disclosure constraints. Virtually no information can be provided without a court order. However, IRS receives many anonymous calls from people who lodge complaints about aliens not paying taxes, which may prove to be beneficial.

Alcohol, Tobacco & Firearms (ATF)

Because many of the fugitives wanted by ICE have been arrested and/or convicted of a firearm offense, it is possible that the local ATF office may have information on them. If you are attempting to locate an individual who is known or believed to carry firearms, ATF may provide an agent to assist with the apprehension, depending on the rapport that you have established with the local office. Additionally, if an ATF agent is working with you when an apprehension is made of an alien who has a firearm at the time of the arrest, ATF may want to take custody of the alien and prosecute him/her criminally. In those instances, you will need to lodge an ICE detainer (b)(7)(E) with the arresting agent or the U.S. Marshals Service.

U.S. Marshals Service

Many of the local U.S. Marshals offices have established Fugitive Units. If you receive information that a wanted ICE fugitive was on federal parole or probation and has violated that status, the U.S. Marshals may also be attempting to locate that individual. They may have useful information for ICE or ICE may have information useful to their case/operation.

Federal Bureau of Investigation (FBI)

Inquiries should be made with the local FBI Foreign Counter Intelligence (FCI) and Drug Units⁴. The FCI Unit may be interested in aliens from hostile countries and may have information regarding them. The Drug Unit may have information on aliens involved in drug trafficking. Also, many FBI agents are assigned to various local, state and county task forces, and information/wanted posters should be provided to them. It is also important to contact the FBI regarding these cases as the FBI has a large network of confidential informants, some of which may be the targets of your investigation. Contact should be made with the controlling FBI agent and local ICE management should also be apprised of the situation.

⁴ ICE Most Wanted information will be sent from HQFOU by coordinating with ICE's National Security Unit (NSU).

Department of Labor (DOL)

The DOL may be a useful point of contact as the fugitive may be receiving some form of workman's compensation, possibly as the result of an industrial accident. Also, the fugitive may be in the process of applying for certain benefits from the DOL.⁵

Social Security Administration (SSA)

The Social Security Administration can be an outstanding source of information in providing employer information relating to wanted fugitives. *Section 290 of the Immigration and Nationality Act⁶ requires that the SSA provide employer information to ICE when requested.⁷*

STATE/OTHER AGENCIES/ENTITIES

Bureau of Special Investigations (BSI)

Many states may have agencies such as these. In some states, the BSI provides information relating to individuals who are collecting state benefits such as welfare, unemployment, food stamps, etc. The BSI may provide personnel to assist by sending a "call-in" letter to the wanted fugitive in order to assist ICE in effecting their arrest.

Financial/Insurance Fraud Associations

Some states have agencies that combat financial and insurance fraud. Many times these may be private agencies funded by state government. It is extremely important to initiate liaison with local personnel from these agencies, as they tend to have extensive financial and insurance related databases. You should remember that, quite often, their investigations involve aliens, and they may be in need of your assistance as much as ICE needs them.

State Police

Wanted posters should be provided to State Police Departments. They should be provided to both the uniformed and non-uniformed troopers (detectives). You should also find out if State Police officers are assigned to local drug task forces and provide them with information/wanted posters on ICE fugitives. When you provide copies of the wanted posters to the State Police, you should also include any known vehicles that the fugitives are known to use. This will assist the State Police in determining the identity of an individual or individuals in the vehicle.

⁵ HQFOU is working with DOL to coordinate the exchange of information. HQFOU will send any information it receives to the field as 'Hot Leads' or update DACS.

⁶ Section 290(b) can be used for any government agency, not just the SSA.

⁷ HQFOU is working with SSA to coordinate the exchange of information. HQFOU will send any information it receives to the field as 'Hot Leads' or update DACS.

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Correctional Institutions

Wanted posters should be placed in all correctional facilities, including ICE Service Processing Centers, within your respective area of responsibility. The most effective area for placement would be the inmate processing area. It is particularly important that all aliases be noted on the wanted poster. Officers should routinely check with those correctional facilities within their respective area of responsibility and if possible, have the facility's databases queried.

Department of Motor Vehicles (DMV)

In addition to information that DMVs can provide concerning aliens, they also can be another force multiplier in looking for a fugitive. Should the target not have a driver's license for his current residence^a, providing a wanted poster to driver's license examiners or their investigative units could result in an easy apprehension.

Local Police Departments

Local police departments are probably the most useful of all agencies. You should always communicate with the detective units, however you may also want to communicate with the uniformed officers as well. When communicating with police departments, you must ensure that personnel on all shifts are aware of the information. The local police are more likely to come into contact with fugitives than any other agency and they have proven to be a necessary source of information. You should also find out if the department has its own drug unit and housing unit.^a Many fugitives are found residing in public subsidized housing and the housing police units can get information discreetly through local contacts. In large metropolitan areas, there may be transit police departments. Wanted posters should be given to these departments, especially if the fugitive does not possess a valid driver's license.

Probation Offices

When dealing with probation officers, you must remember that, unfortunately, some officers are sympathetic to their clients and may not provide you with as much information as you may like. In extreme circumstances, they may even contact the fugitive and inform them of ICE's interest. Experienced ICE officers will usually know the names and telephone numbers of reliable probation officers in the various district courts within their jurisdiction. Posters should only be placed with probation officers that you are sure will not alert the target to our interest.

Local banks

Most banks have a Director of Security. Liaison should be initiated with these officials, as they are often helpful in providing account information. Security officers frequently meet at

^a Some power companies and agencies that provide financial assistance require proof of a local address.

^a HQFOU is working with Housing and Urban Development to access their databases to cross check against our fugitive lists. Any information gleaned from their databases will be forwarded to the field for action.

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Subject: Update of Chapter 19, Section 11 (Liaison/Task Forces) to the Detention and Deportation Officer's Field Manual (DDFM).
Page 8

regularly scheduled intelligence conferences to discuss problems and concerns. Usually, ICE officers are welcome to attend these meetings and information/wanted posters can be circulated among the attendees.

Airline Security Divisions

Liaison should be established with airline security officials of airlines that have direct flights to countries that fugitives are likely to travel to. Wanted posters may be given to these officials, but these officials should be briefed of the restrictions and prohibitions contained in Section 215 of the Immigration and Nationality Act regarding the departure from the United States of certain classes of aliens.

Confidential Informants

The use of wanted posters with confidential informants (CIs) can reap enormous results, however, a certain amount of caution must be used when doing so. Prior to allowing CIs to view ICE wanted posters, you must be extremely confident in their ability and reliability. These may be CIs from ICE or other agencies. In any event, you should be thoroughly familiar with all ICE policies and regulations regarding their use. Once again, CIs should not be given a copy of the poster or if given one, warned to keep them in a secure location. See (b)(7)(E) – Confidential Informants.

TASK FORCES

FODs need to fully support the operation of the NFOP teams to ensure that ICE is ready and prepared to respond to any event involving an ICE fugitive. The vast number of outstanding warrants of removal requires that some positive action be taken immediately.

Many U.S. Marshals Offices already have Joint Fugitive Task Forces (JFTF) that are full time teams of officers from most of the agencies within the jurisdiction of a particular Marshals Office. NFOP teams should assign an officer as a POC to meet regularly with the Marshals JFTF.

Where they do not currently exist, and one is determined necessary, the organizing of an ICE/NFOP sponsored Joint Fugitive Task Force is the responsibility of the NFOP team. The Supervisory Deportation Officer/Supervisory Detention & Deportation Officer is responsible for establishing liaison with the local U.S. Marshals Service office and other local participating agencies in establishing a JFTF. If instituting a local JFTF with the U.S. Marshals, HQFOU and Headquarters, U.S. Marshals Service must approve a proposed *Memorandum of Understanding* creating the task force.

Two other task forces that should be contacted are the Organized Crime Drug Enforcement Task Forces (OCDETF) and the Joint Terrorism Task Forces (JTTF). In many locations

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Subject: Update of Chapter 19, Section 11 (Liaison/Task Forces) to the Detention and Deportation Officer's Field Manual (DDFM).

Page 9

ICE will have an officer already assigned to OCDETF or JTTF who can help in getting information on your fugitives to their respective task force.

Although NFOP teams should restrict their participation to *fugitive* task forces, of which foreign-born individuals make up a large part of the target population, with HQFOU approval they may also establish strong ties with other task forces such as:

- Violent Gang Task Forces
- Local Narcotics Task Forces
- Safe Streets Task Forces

Additionally, should a local agency approach our NFOP teams asking for task force participation, or for help with one of their operations, they should assist to the fullest extent possible. Doing so imbeds in the minds of these officers that we are full partners in the war against crime. However, FODs are reminded that NFOP personnel are to work exclusively on matters relating to the mission of the NFOP. Any NFOP participation with a task force, to include the Marshals JTTF, the OCDETF and JTTF task forces, needs to be addressed by HQFOU with concurrence sought well in advance of any commitments for participation. The following guidelines will be followed in determining participation in task forces headed by other agencies:

- Name of the task force.
- Are targets of the task force foreign born or otherwise foreign nationals?
- Will the NFOP be able to target our fugitives wanted on administrative warrants?
- What other agencies are involved?
- Under what authorities will NFOP officers be operating? (Must identify level of authority granted under specific state statute if using the "peace officer" status granted under state law. However, do not rely solely on this statute to identify the authority.)
- What is the overall mission of the task force?
- What is the length of time to be dedicated to the task force if it isn't a permanent, full-time operation?

An application for task force participation is available via the intranet at the FUGOPS web page (b)(7)(E)

In the event that participation is approved, it will be the FODs responsibility to ensure that reports on the task force accomplishments are regularly reported. That reporting period will be determined by the length of the operation or task force and should, at a minimum, identify those arrests that are of primary ICE interest. For example, if the task force apprehends 100 fugitives over a period of a month, identify how many were ICE fugitives and how many were foreign-born fugitives that we placed detainers on. Include a breakdown on the criminal violations of all apprehensions, to include those without primary ICE interest.

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Subject: Update of Chapter 19, Section 11 (Liaison/Task Forces) to the Detention and Deportation Officer's Field Manual (DDFM).

Page 10

The time may come when you will need to ask for help from one of these agencies. They will be less inclined to assist you if you have failed to respond to their requests in the past. As often as possible, HQFOU will work with the local authorities to make this participation happen.

Law enforcement agencies all tend to have a long corporate memory when it comes to agencies or people who failed to help them or live up to promises made. They also tend to remember those issues regarding officers who overstep their authorities.

Comments or suggestions concerning this chapter can be forwarded to the Chief, Fugitive Operations Branch via cc: Mail at: FUGOPS which can be found in the directory as

(b)(7)(E)

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U.S. Immigration
and Customs
Enforcement

MAY 20 2005

MEMORANDUM FOR:

FROM:

(b)(7)(C), (b)(6)

SUBJECT:

Addition of Chapter 19, Section 18, International Police
Organization (INTERPOL) of the Detention and Deportation
Officer's Field Manual (DDFM)

The DDFM is updated to reflect the addition of Section 18, Chapter 19. Accordingly, the DDFM is updated as follows:

19.18 International Criminal Police Organization (INTERPOL)

I Background

Headquarters, DRO has previously issued memoranda on the preparation of INTERPOL 'Green Notices'. Those memoranda are made a part of this Section of the DDFM. All DRO personnel regardless of assignment shall refer to this Section when performing activities related to INTERPOL.

INTERPOL maintains six color-coded notices and subject advisory notices (Appendix (b)(7)(E)). All notices and advisories are available to any of the over 180 member nations. However most distribution is limited to nations where the subject of the notice or advisory is likely to be encountered.

- o An INTERPOL Red Notice is used to seek the arrest with a view toward extradition of subjects wanted and based upon an arrest warrant.
- o An INTERPOL Blue Notice is used to collect additional information about a person's identity or illegal activities in relation to a criminal matter.
- o An INTERPOL Green Notice is used to provide warnings and criminal intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries.
- o An INTERPOL Yellow Notice is used to help locate missing persons, especially minors, or to help identify persons who are not able to identify themselves.

www.ice.gov

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- o An INTERPOL Black Notice is used to seek the true identity of unidentified bodies.
- o An INTERPOL Orange Notice is used to warn police, public bodies and other international organizations of possible threats to them from hidden weapons, parcel bombs, and other dangerous items or material.

II. POLICY

INTERPOL

DRO personnel shall complete 'Green Notice' applications (Appendix (b)(7)(C)) as the situation dictates. Green Notice applications will be completed on those cases where the subject being removed is a registered sex offender and/or a known gang member whose "gang" conducts operations outside of the United States.

Blue Notice applications (Appendix (b)(7)(C)) will be completed in cases "to collect additional information about a person's identity or illegal activities in relation to a criminal matter".

Where DRO has developed information that a non-criminal fugitive alien has fled to a foreign country and we are seeking to confirm that the alien has departed the United States, a Request for Foreign Verification (RFV) (Appendix (b)(7)(C)), will be made to HQFUGOPS, electronically or via mail. HQFUGOPS will then utilize whatever resources available (Embassies, INTERPOL, etc.) and provide the requesting office with the information obtained.

The Chief, Fugitive Operations Unit has oversight responsibility for this program and will ultimately make the determination as to what applications will be forwarded to INTERPOL.

III. PROCEDURE

INTERPOL

When a Fugitive Operations Team¹ (FOT) uncovers information that a non-criminal alien fugitive may be outside of the United States, the team will complete a RFV (Appendix (b)(7)(C)) to determine if the fugitive is outside of the country and/or if the fugitive has committed criminal offenses in a foreign country. Upon receipt of information in response to this request the FOT shall take appropriate case action that may include but is not limited to:

- Closure of an open case
- Further leads concerning the alien's possible location inside or out of the U.S.
- Updating of DACS with any foreign criminal arrest or conviction information or any other pertinent information germane to the case

¹ In the context of Section 2, FOTs or DRO personnel who conduct fugitive operations are to be considered one in the same.

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The removing office will complete Green Notice applications (Appendix (b)(7)(C)) for Operation Predator (OPPED) aliens, more particularly those registered as sex offenders, as part of the preparation for the removal. It is important that fields such as the Summary of Facts of the Case be thoroughly, but briefly, answered. This field should put a summary of the facts of the case and not just the statute violated. Furthermore, the field should record where the subject is a registered sex offender and any offender number assigned. The application should be completed and forwarded as soon as possible (such as aliens for whom a Third Agency Check must be requested) but in no case later than the same day as the Request for Escorted Country Clearance (RECC) is made, if appropriate. If a RECC is not made, the Green Notice application will be completed and forwarded to HQ FUGOPS as soon as practical after removal.

Blue and Green Notice applications shall be forwarded either electronically to the HQFUGOPS mailbox or hard copy via FedEx to:

DHS/ICE/DRO
801 I Street, NW, Suite 930
Washington, DC 20536

ATTN: HQ FUGOPS/INTERPOL

Any questions regarding operational requirements should be directed to the INTERPOL Liaison Officer, Headquarters, Fugitive Operations Unit through either the HQFUGOPS mailbox or at (202) 353-(b)(7)(C)

Any questions regarding this policy should be directed to (b)(7)(C), (b)(6) Chief, Headquarters Fugitive Operations Unit at (202) 353-(b)(7)(C)

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U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

HQDRO 50/12.8

Office of the Director

801 I Street NW
Washington, DC 20536

MEMORANDUM FOR ALL FIELD OFFICE DIRECTORS

DIRECTOR FOR FIELD OPERATIONS

(b)(7)(C), (b)(6)

FROM: Anthony S. Tangeman
Director
Office of Detention and Removal

SUBJECT: Addition of Chapter 19, Section 12 (Tactical Communications) to the Detention
and Deportation Officer's Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 14, Chapter 19. Accordingly, the DDFM is changed as follows:

19.12 Tactical Communications

The Bureau of Immigration and Customs Enforcement (ICE) Communications Working Group is currently working to integrate all the various forms of radio communication into one accessible system. Upon completion of their work, this chapter will be used to implement the Policy and Procedure for Fugitive Operations Tactical Communications. Until then officers should refer to DDFM (Chapter 33 – *Communications Equipment*) for general information on radio communications and procedures.

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U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

HQDRO 50/12.8

Office of the Director

801 I Street NW
Washington, DC 20536

MEMORANDUM FOR ALL FIELD OFFICE DIRECTORS
DEPUTY ASSISTANT DIRECTOR FOR FIELD OPERATIONS

FROM: (b)(7)(C), (b)(6)
Anthony J. Trangenman
Director
Office of Detention and Removal

SUBJECT: Addition of Chapter 19, Section 14 [National Fugitive Operations Program Data Directory System (short title NFOP Directory or NOFPD) to the Detention and Deportation Officer's Field Manual (DDFM)]

The DDFM is changed to reflect the addition of Section 14, Chapter 19. Accordingly, the DDFM is changed as follows:

19.14 National Fugitive Operations Program Data Directory System (NFOPD)

I. DISCUSSION

The National Fugitive Operations Program Data Directory System (short title NFOP Directory or NFOPD) is designed to provide immediate and up to date contact information for all officers in the field who are directly or indirectly involved in fugitive operations. It is important to the mission of the NFOP that information concerning fugitives be passed to the officers who need it as fast as it can possibly be delivered. This can be especially important when the information is time sensitive.

The information contained in the directory was previously requested in the Director, Office of Detention and Removals' memorandum dated July 18, 2003. The directory is a part of the NFOP Web Page that can be found on the Intranet.

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II. POLICY

Field Office Directors (FODs) shall provide (and update as needed) the following information for all officers¹ assigned to or involved in fugitive operations:

1. Name:
2. Three letter office designation:
3. Office voice and facsimile numbers:
4. Cellular telephone number:
5. NEXTEL Direct Connect number²:

FODs shall designate a primary point of contact (POC) for each office location from his/her list of officers at that location. All officers listed are considered secondary POCs in the event the primary POC is unavailable.

The Chief, Fugitive Operations Branch is charged with maintaining the directory.

Questions concerning this directory should be directed him at the (b)(7)(E) mailbox, which can be found in the cc: Mail directory at (b)(7)(E)

III. PROCEDURE

FODs shall ensure that information for their offices is correct and updated as needed. Rotation or transfers of officers in and out of the Fugitive Operations Program shall be reported as soon as possible but in no case later than 10 business days. When a Field Office's data needs to be changed, the FOD will ensure it is updated by sending a cc: Mail message at: (b)(7)(E)

¹ This includes component offices of a Field Office.

² If NEXTEL is your service provider.

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DEC 10 2004



U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: All Field Office Directors
Deputy Assistant Director for Field Operations

FROM: (b)(7)(E)
Acting Director

SUBJECT: Addition of Chapter 19, Section 16 (Fugitive Operations Training Requirements) of the Detention and Deportation Officers Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 16, Chapter 19. Accordingly the DDFM is changed as follows:

19.16 Fugitive Operations Training Requirements

POLICY

Effective immediately, all National Fugitive Operations Program (NFOP) teams are required to receive training necessary to accomplish their mission. Each team has a two year window from the date of their creation, and for those currently in place from the date of the issuance of this policy, to complete the below listed required training

THE REQUIRED TRAINING IS AS FOLLOWS:

Basic Fugitive Operations Training Program (FOTP) All Officers¹
Basic First Aid and Cardio Pulmonary Resuscitation² All Officers

Team supervisors are required to maintain the training records of each officer and are to ensure that each officer is qualified as required above. Team supervisors are also to ensure that officers are re-certified in Basic First Aid and Cardio Pulmonary Resuscitation in a timely manner. Furthermore, they are required to make sure training is updated in that particular officer's training record (currently using ONTRACK).

¹ This includes supervisory deportation officers, deportation officers and immigration enforcement agents assigned as NFOP team members.

² Memorandum titled Basic First Aid and Cardio Pulmonary Resuscitation (CPR) Training of Fugitive Operations Team Members, dated December 3, 2003, remains in effect.

Team supervisors are encouraged to seek outside training with other law enforcement entities relating to the fugitive operation mission, however; all outside training must be approved by HQFOU.

PROCEDURE

FOTP training is coordinated through the Office of Detention and Removal Operations' (DRO) Division of the ICE Academy at the Federal Law Enforcement Training Center. The ICE Academy will notify the field when they identify training vacancies. Correspondence concerning training can be made electronically through the FOTP mailbox at Program, FOTP.

Course Overview:

FOTP is the equivalent to basic fugitive operations training. DRO officers with extensive knowledge of fugitive operations as well as other subject matter experts (United States Marshals Service, etc.) were called upon to provide subject matter expertise and course content. This course will provide the DRO officer with the necessary tools to locate and apprehend fugitive aliens. A major focus of the course is to increase the participants' investigative skills through courses designed to teach effective utilization of the Internet, Agency databases, and other sources of information to locate where a fugitive lives, visits, and/or works. Students are encouraged to bring cases from their office to use in the practical exercise portion of the computer training. This will provide a sense of real-time investigative efforts and demonstrate the effectiveness and limitations on computer database searches.

Participants will work in teams in order to increase the realism of the training and aid in the development of these skills. There will be many opportunities for participants to share lessons learned with the class and in their teams. The course also provides participants with the opportunity to learn and practice surveillance techniques, vehicle stops, and apprehension procedures.

Students will be placed into Fugitive Operations Teams (FOT)³ and given various practical assignments to accomplish. Each practical assignment will follow a course of instruction that will provide the student with the information needed to complete it. Each course and follow-on practical assignment will build on a previous block of instruction. At the end of the course, each team will have prepared themselves to locate and safely apprehend a specific target fugitive.

This training is not designed to provide 'SWAT' tactical training but it is being continually reviewed and updated to prepare the officer to be able to perform the duties of a law enforcement officer in the field. For that reason officer safety is continually stressed. Graduates of this course will not be certified to perform any dynamic tactics. However, some of the officer tactics and survival skills that the student will be taught were refined by

³ Complete FOTs from a Field Office will (to the greatest extent possible) be allowed to operate as a team.

Addition of Chapter 19, Section 16 (Fugitive Operations Training Requirements) of the DDFM
Page 3

police tactical units and are now standard courses of instruction in many basic police academies. Some of these subjects covered in the class are:

- Contact and Cover Principles
- Building Approach and Entry
- Room Search
- Vehicle Stops

These subjects, along with others, will require the student to perform and conduct operations as if he/she were in the field. Role players and instructors will present the students with challenges that cover the Use of Force Continuum. It will be up to the students to respond properly to each situation or scenario. While this is not a graded course, it will provide the student an adequate gauge of their individual skills and tactics. For permanent FOTs attending training it should also provide a gauge on their team skills and tactics.

Student Requirements

Officers nominated for this course must be supervisory deportation officers, deportation officers or immigration enforcement agents assigned to NFOP teams⁴. Students are expected to report for class ready to fully participate. Persons nominated for this training must have current handgun qualifications and be familiar with the Service shotgun. Students will fire handgun and shotgun qualification courses and will be provided with a familiarization course with the M-4 rifle as part of the curriculum. Students who demonstrate a lower level of expertise with the shotgun will be afforded limited refresher training. Students will also participate in Force-On-Force Training using Simunition handguns. Instructors, playing the part of 'bad guy' will be armed either with Simunition handguns or paintball guns. Students are expected to treat these scenarios as if they were real.

Students will be returned to their Field Offices for the following reasons:

- Refusal to perform or complete a course of instruction
- Failure to qualify with either handgun or shotgun
- Repeated firearms safety violations
- Demonstrated poor officer safety tactics following remedial training
- Medical conditions that preclude their full participation

Students may be subject to a Performance Review Board to determine their suitability to continue in training. Students who are returned may be allowed to attend the class again in the future upon request through the chain of command to the Chief, Headquarters Fugitive Operations Unit (HQFOU). Students who require remedial firearms training will require a certification from the field office Senior Firearms Instructor (SFI) that they have demonstrated the requisite proficiency in the area that originally gave them trouble.

⁴ Other officers assigned to FOD directed fugitive operational duties will be allocated slots once all NFOP team members are trained.

Consequently, students who participate in the FOTP are not automatically assured of a certificate of satisfactory completion of the program. Students who are returned to their duty station after failing to successfully complete the program may face the possibility of being removed from the NFOP team to which they have been assigned and will be returned to the standard non-fugitive operational duties outlined in their primary position description.

Required Equipment:

- Handgun (Service Issued or Personally owned and approved) and six (6) magazines
- Equipment (Pistol or River) Belt with all associated items (i.e. holster, magazine carrier, handcuff case, expandable steel baton w/carrier, radio carrier, flashlight, etc)⁵
- If used, low profile holster, magazine carrier and handcuff case.
- External tactical body armor carrier w/ ID strips (armor panels not needed)
- Rough duty pants
- Footwear normally worn when conducting an operation
- Soft clothes worn during low profile operations
- Any other equipment normally worn when conducting an operation

Suggested Equipment:

- High profile identification jacket (Raid Jacket)
- If you have two sets of body armor, bring your oldest set with internal carrier
- Pair of clear safety glasses.
- Secondary hearing protection if available, FLETC now requires two forms of hearing protection
- Binoculars
- Insect repellent, sun tan lotion and sun screen
- Baseball cap
- Personal Hydration System

⁵ Tactical ballistic nylon equipment is authorized and highly recommended for use with tactical body armor carrier.

Final Note:

If you have any medical condition that might require special clearance, ensure that you bring a letter from your doctor documenting your ability to participate in the course. While there are no real strenuous exercises, there are several exercises that require moderate exertion.

Other Training:

Basic First Aid and Cardio Pulmonary Resuscitation (CPR) Training is coordinated and completed at the Field Office level. Training records are to be maintained by the supervisor with updates being recorded in ICE's ONTRACK training database. As indicated in the Director's memorandum, dated December 3, 2003 regarding CPR training, once certified, Officers should be "re-certified yearly, or as required, thereafter."

Other training opportunities will be distributed to the field as they become available and HQFOU has determined they offer a benefit to the program. Field Offices are encouraged to forward training opportunities to HQFOU for review and approval, as appropriate. Outside training sessions conducted as workshops at conferences sponsored by the National Association of Fugitive Investigators (NAFI) are highly recommended. These conferences are extremely informative and provide an opportunity for individual officers to network with other fugitive officers from various agencies on a national basis.

Questions regarding training issues should be directed to the HQFOB via e-mail at

(b)(7)(E)

cc: ICE Academy – Deportation Officer Training
Official file
NFTTU Director

APR 26 2004



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: All Field Office Directors
Deputy Assistant Director for Field Operations

FROM: (b)(7)(C),(b)(6)

SUBJECT: Addition of Chapter 19, Section 17 (Fugitive Operations Insignia) of
the Detention and Deportation Officers Field Manual (DDFM)

BACKGROUND

The use of distinctive insignia to identify members of a particular group is as old as mankind. Some of the first recorded uses of distinctive insignia can be traced to the time of the Roman Empire when flags and staffs marked various legions and their units. The development of flags for the purpose of identifying particular countries became prominent when men took to sailing ships and began to explore the world.

In modern times distinctive insignia has been used to identify not only that a person was a member of a particular military unit but also specific units of larger units. Within many law enforcement agencies various divisions and programs develop and use a distinctive insignia. These insignia serve to not only identify what a particular division or program does to members of an agency, but also to the general public. They also serve the vital function of improving morale and establishing an *esprit de corps* that serves the unit well in good times as well as bad.

Recognizing the many positive benefits that come with a unit insignia, and the high priority placed on Fugitive Operations (FUGOPS) by the Assistant Secretary U.S. Immigration and Customs Enforcement and Detention and Removal's Strategic Plan (*ENDGAME*), the Director of Detention and Removal (DRO) directed the Chief, Fugitive Operations Branch (FOB), to develop an insignia for the National Fugitive Operations Program. In the January/February 2004 issue of *The Fugitive Operations Newsletter*, a contest was announced and all members of DRO were asked to submit proposals for an insignia. From the submissions four candidates were selected and an e-mail was sent to all Field Office Directors asking them to forward to their officers the nominated selections and requesting that all officers vote on their choice. After a tally of the votes the final selection was submitted to the Director, DRO for approval. The following insignia is a culmination of that development process.

The DDFM is changed to reflect the addition of Section 17, Chapter 19. Accordingly the DDFM is changed as follows:

19.17 Fugitive Operations Insignia

POLICY

Effective immediately the insignia for the National Fugitive Operations Program is approved for use by the Fugitive Operations Branch, Immigration and Customs Academy, Detention and Removal Fugitive Operations Training Program (FOTP), Headquarters DRO designated Fugitive Operations Teams (FOT) and those officers who have successfully completed the FOTP. The insignia shall consist of the following:

"The selection of the white knight indicates the integrity and honor with which our officers serve. The chess piece symbolizes the strategy we use in targeting and locating the fugitive; it's movement across the board signifies the indirect path we take to complete our mission. The lightning bolt symbolizes the speed with which we strike; the Roman gladius, our strength and power. The motto, Ne Quis Effugiat (We exist so none will escape) stands for our dedication and resolve."

The insignia will not be placed on raid jackets but may be used in reports, training materials, signage, challenge coins and other items as directed by Headquarters, Fugitive Operations Branch (HQFOB). With respect to challenge coins those officers who have successfully completed the newest (FY2003 and up) version of the FOTP will be presented a FUGOPS Challenge Coin upon graduation. Additionally, those persons nominated by the Senior Training Operations Supervisor [TOS (Deportation)] and active duty members of the national FOTs who have been approved by the HQFOB may receive and possess the FUGOPS Challenge Coin. A representation of the Fugitive Operations insignia and the challenge coins are found at Attachment 1 and 2 respectively.

PROCEDURE

Officers who successfully complete the newest version of FOTP will be awarded a coin upon graduation. The TOS (Deportation) is charged with maintaining the roster of all graduates of FOTP. Officers on the FOTP roster who lose their coins may request a replacement through HQFOB by submitting a request via e-mail at HQDRO, FUGOPS.

FOT officers who wish to nominate officers or agents of agencies who have provided material and substantial support to the FUGOPS program at any level may request the issuance of FUGOPS Challenge Coins in the interest of operational liaison. Officers should submit an e-mail request through HQFOB stating the circumstances of the need and the number of coins required.

The insignia may be reproduced on shirts, caps, posters, flags and other items as deemed appropriate by HQFOB. The full color or challenge coin version of the insignia may be utilized interchangeably at the discretion of the Chief, HQFOB.

Addition of Chapter 19, Section 17 (Fugitive Operations Insignia) of the DDFM
Page 3

Field Offices conducting press briefings are encouraged to display the insignia along with appropriate Department of Homeland Security (DHS) branding items. When displayed with DHS emblems the FUGOPS insignia will be placed in a proper senior to subordinate relationship.

cc: ICE Academy – Deportation Officer Training



Fugitive Operations

Ne Quis Effugiat

The selection of the white knight indicates the integrity and honor with which our officers serve. The chess piece symbolizes the strategy we use in targeting and locating the fugitive; its movement across the board signifies the indirect path we take to complete our mission. The lightning bolt symbolizes the speed with which we strike; the Roman gladius, our strength and power. The motto, Ne Quis Effugiat (We exist so none will escape) stands for our dedication and resolve.





U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

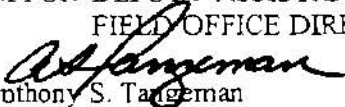
HQDRO 50/12.8

Office of the Director

801 I Street NW
Washington, DC 20536

October 8, 2003

MEMORANDUM FOR DEPUTY ASSISTANT DIRECTORS
FIELD OFFICE DIRECTORS

FROM: 
Anthony S. Tangeman
Director
Office of Detention and Removal

SUBJECT: Addition of Chapter 19, Section 33 (Third Agency Checks for all Specially Designated Countries) to the Detention and Deportation Officer's Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 33, Chapter 19. Accordingly, the DDFM is changed as follows:

19.33 Third Agency Checks for all Specially Designated Countries

I. Discussion

The events of September 11, 2001 have led the United States Government to identify certain countries that have shown a tendency to promote, produce or protect terrorist organizations and/or their members. That list of designated countries is contained in Appendix 19-16 entitled *Specially Designated Countries* (SDC). It is imperative that all officers consult the list to determine if an alien's country of citizenship or nationality is listed.

II. Policy

Effectively immediately, any alien from a SDC who is apprehended or detained by the Bureau of Immigration and Customs Enforcement (ICE), Detention and Removal Operations (DRO) must be cleared by the Custody Review Unit (CRU) prior to release. The detaining office will send a message to the CRU of the Headquarters, Fugitive Operations Branch (HQFOB) via cc: Mail to: **Command, CRU-DRO**. Prior to transfer to another agency, release to the streets or removal from the United States, the alien must

be cleared for such transfer or release by the CRU. The CRU shall determine if the alien is a *National Security or Third Agency Interest* (TAI) person.

III. Procedure

CRU Initial and Subsequent Notification

The subject line of all cc: Mail messages shall read: "*Third Agency Check* AXX XXX XXX". The initial report shall include the alien's name, alien registration number (A-file number), date of birth (DOB), place of birth (POB), criminal convictions or pending criminal charges, removal charge(s), and a brief description of the circumstances of the alien's apprehension. It will take approximately three weeks for all third agency checks to be completed. Subsequent messages from the detaining office shall contain the same subject line but will include a sequence number after the alien registration number (AXX XXX XXX-XX).

Custody Issues

The fact that the alien is a SDC subject and pending clearance by the CRU must be immediately communicated to the local Office of Legal Advisor (OLA). CRU shall notify Headquarters, OLA so they can be prepared to provide advice or direction to the local OLA. The alien's SDC status must be taken into consideration should the alien file a motion for a custody redetermination hearing before the Executive Office for Immigration Review. The fact that the alien is a SDC subject does not automatically mean that OLA will appeal an adverse custody redetermination.

Once CRU clearance is obtained, local OLA must be notified. They will then notify the Immigration Judge (IJ). However, if the IJ makes an adverse custody determination that is not appealed by OLA, the alien must be released. The CRU shall be advised of that fact immediately by telephone (202-353-8003) and followed up by a cc: Mail message with a summary of the IJ's decision. The Deportable Alien Control System (DACS) will also be updated immediately particularly the *BOND* and *CCOM* screens.

If the alien is not cleared and designated a TAI subject, local OLA shall be notified immediately. Again OLA will communicate that information to the IJ as soon as possible.

Administrative Final Orders

SDC subjects who have a final administrative removal order are subject to Post Order Custody Review (POCR) Procedures. If the SDC subject has not been designated a TAI case then, not later than 30-days prior to the SDC reaching the 90-day post-order mark, the detaining office shall forward all biographic information listed above to the CRU via cc: Mail. If a SDC subject has already been designated as a TAI subject, the detaining office shall (via cc: Mail) notify the CRU that the subject is approaching the 90-

Memorandum for All Field Office Directors
Subject: Addition of 19.33 to the DDFM

Page 3

day post-order mark. In no case shall a Field Office Director release a SDC/TAI final order subject without clearance from the CRU.

Preparation for the Removal of TAI Cases

It currently takes approximately three weeks for CRU to issue a clearance for execution of removal orders. Detaining offices are advised that CRU clearance messages should be sent a minimum of four weeks in advance of a projected removal date. This will help allow for possible delays in obtaining travel documents or making adjustments to the travel itinerary. Individual clearance must be obtained for each SDC/TAI subject who is part of Special Removal/Charter Flight Missions. A copy of the release authorization shall be attached to the Warrant of Removal/Deportation (I-205) as part of the *Travel Document Packet*.

Questions regarding this chapter shall be directed to the Chief, Fugitive Operations Branch or via cc: Mail to the CRU address.

Cc: Director, Office of Investigations
Director, Office of Intelligence

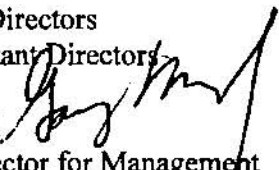
U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

JUL 11 2007

MEMORANDUM FOR: Field Office Directors
Deputy Assistant Directors

FROM: Gary E. Mead 
Assistant Director for Management

SUBJECT: Office of Detention & Removal Operations Policy and Procedure
Manual Amendment (DROPPM): Chapter 33.8: Registration
with National Law Enforcement Communications Center
(NLECC)

The addition of DROPPM Chapter 33.8 Registration with National Law Enforcement Communications Center (NLECC) establishes the requirement for DRO Law Enforcement personnel to register and remain current with the NLECC and establishes a NLECC Coordinator at each field office.

Attachment

Chapter 33: Communications

33.8 National Law Enforcement Communications Center (NLECC)

(a) **General.** The NLECC is a state of the art communications center that provides mission critical services to the Office of Detention & Removal Operations and over 30 other Federal Law Enforcement Agencies. The main objective of the NLECC is to contribute to the success of the federal law enforcement mission by providing users a modern and dynamic communications system and the support services needed to perform their respective functions efficiently and effectively. In support of this objective, the NLECC is available via radio and telephone and operates a comprehensive and advanced radio telecommunication network operable throughout the United States. This network is connected by a series of fixed radio repeaters, strategically located and linked directly to NLECC communication consoles. These consoles are staffed for 24-hour operation and provide a variety of essential services and emergency assistance.

(b) **Key NLECC Services.** Key services provided to DRO by NLECC are:

- ***Emergency Assistance.*** Sector calls in appropriate law enforcement officers or agencies as back-up to protect a user's personal safety or to assist with an enforcement mission and will call in safety checks to officers engaged in enforcement operations. Sector will respond when a user reports being stranded by an inoperative vehicle. NLECC can act as an intermediary point of contact for officers stranded on foreign escorts;
- ***Operational Support.*** Sector provides status checks for users while engaged in fugitive and CAP operations and motor vehicle stops;
- ***Real-Time Query Services.*** Sector provides information from a wide variety of official federal, state and local and international law enforcement computer networks in real-time upon request by a user;
- (b)(7)(E)
- ***Phone Service - Patches/Pages/Relays.*** Through its extensive user and agency database, NLECC provides phone-to-phone patches, pages and information relays as necessary;
- ***Other Phone Services.*** Sector accepts collect calls, place caller-id blocked calls, place overseas phone calls and provide other miscellaneous phone services for users;
- ***Network and Phone Monitoring.*** On a 24 x 7 basis, NLECC monitors its incoming telephone lines and all fixed repeater network sites on a nationwide basis;

- **OTAR Services.** Sector will provide Over-The-Air Encryption Re-key (OTAR) services for users;
 - **Radio and Phone Recording.** All repeater and phone traffic is recorded and kept on file for 7 days;
 - **Master Station Log (MSL).** The MSL is a written record of all activity performed by NLECC, including the time, date, requester, action taken and disposition. This information is kept indefinitely;
 - **Personnel Database.** NLECC maintains a database on all users, including identifying and contact information. This information is made available to other authorized users on a need-to-know basis;
 - **Offices Database.** NLECC maintains a database of thousands of other Federal, state and local agency offices, along with other related phone numbers typically used by a law-enforcement communications center;
 - **Duty Roster Contact.** NLECC maintains a national duty roster database for many user agencies;
 - **National Workup Program.** As the workload permits, NLECC will, upon request take suspect violator information from field users, query the information through a battery of law-enforcement databases, then forward responsive information back to the requester.
- d. **NLECC Coordinator.** Field Office Directors, Headquarters, and the DRO Academy are required to designate an employee as a NLECC coordinator as a collateral duty assignment. The NLECC Coordinator may be drawn from either the enforcement or support staff
1. The NLECC Coordinator receives initial NLECC registration information from DRO employees on the DRO NLECC Registration Form or electronic facsimile. The NLECC Coordinator sends the registration form to NLECC for individual employees or, for groups of employees, enters the registration data onto the NLECC Registration Spreadsheet and submits it electronically to NLECC. NLECC Coordinators must contact NLECC at 1-800-X-SECTOR (1-800-973-2867) for the fax number to the NLECC desk that handles their area of responsibility.
 2. NLECC Coordinator maintains an updated master roster of employees and their call signs for their field offices area of responsibility and disenrolls users as required upon transfer or cessation of employment.
 3. Each NLECC Coordinator must conduct periodic random data quality inquiries with NLECC to ensure that the most updated information for registered users is on file.
 4. NLECC will assign each NLECC coordinator a pool of call signs, which will in turn

be assigned by the NLECC Coordinators to each registered NLECC user within their area of responsibility.

c. NLECC Users. All DRO Law Enforcement Officers are required to register their contact information with NLECC by use of the NLECC Registration Form. Once registered, the Field Office or Duty Station POC will issue a NLECC call sign from the pre-assigned pool.

1. Users are required to completely fill out the attached DRO NLECC Registration form and deliver it to NLECC via facsimile. Contact the NLECC at 1-800-X-Sector (1-800-973-2867) for the fax number to the NLECC desk that handles your area of responsibility.

2. Users are required to provide timely notification to NLECC via telephone whenever their previously provided contact information changes.

3. Users may contact NLECC to advise on periods of detail assignment, leave, etc and provide alternate contact information or alternate contact persons.

e. Training. The Career Development and Training Unit in coordination with NLECC is responsible for training on NLECC related services and equipment both at the DRO Academy and in the field. Training requests are to be routed through channels to the Career Development and Training Unit.

OFFICE OF DETENTION AND REMOVAL OPERATIONS
REGISTRATION DATA
NATIONAL LAW ENFORCEMENT COMMUNICATIONS CENTER

☐ New Entry ☐ Update Entry ☐ Delete Entry

Current Callsign (if assigned):

Name (Last, First, MI):

Title:

SSN:

Office of Assignment:

Wk Telephone (direct or include extension):

Wk Cell Phone:

Personal Cell:

Home Phone:

Pager:

Office Address:

Home Address:

Name/Title/Telephone of Supervisor:

This form must be faxed to the NLECC. Please dial 1-800-X-SECTOR (1-800-973-2867) and ask for the fax number for the NLECC desk servicing your area of responsibility.

Original form to be retained by the DRO Field Office NLECC Coordinator.

**U.S. Department of Justice
Civil Rights Division**

**GUIDANCE REGARDING THE
USE OF RACE BY FEDERAL LAW ENFORCEMENT AGENCIES**

June 2003

INTRODUCTION AND EXECUTIVE SUMMARY

In his February 27, 2001, Address to a Joint Session of Congress, President George W. Bush declared that racial profiling is "wrong and we will end it in America." He directed the Attorney General to review the use by Federal law enforcement authorities of race as a factor in conducting stops, searches and other law enforcement investigative procedures. The Attorney General, in turn, instructed the Civil Rights Division to develop guidance for Federal officials to ensure an end to racial profiling in law enforcement.

"Racial profiling" at its core concerns the invidious use of race or ethnicity as a criterion in conducting stops, searches and other law enforcement investigative procedures. It is premised on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity.

Racial profiling in law enforcement is not merely wrong, but also ineffective. Race-based assumptions in law enforcement perpetuate negative racial stereotypes that are harmful to our rich and diverse democracy, and materially impair our efforts to maintain a fair and just society.⁽¹⁾

The use of race as the basis for law enforcement decision-making clearly has a terrible cost, both to the individuals who suffer invidious discrimination and to the Nation, whose goal of "liberty and justice for all" recedes with every act of such discrimination. For this reason, this guidance in many cases imposes more restrictions on the consideration of race and ethnicity in Federal law enforcement than the Constitution requires.⁽²⁾ This guidance prohibits racial profiling in law enforcement practices without hindering the important work of our Nation's public safety officials, particularly the intensified anti-terrorism efforts precipitated by the events of September 11, 2001.

I. Traditional Law Enforcement Activities. Two standards in combination should guide use by Federal law enforcement authorities of race or ethnicity in law enforcement activities:

- **In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, Federal law enforcement officers may not use race or ethnicity to any degree, except that officers may rely on race**

and ethnicity in a specific suspect description. This prohibition applies even where the use of race or ethnicity might otherwise be lawful.

- **In conducting activities in connection with a specific investigation, Federal law enforcement officers may consider race and ethnicity only to the extent that there is trustworthy information, relevant to the locality or time frame, that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization. This standard applies even where the use of race or ethnicity might otherwise be lawful.**

II. National Security and Border Integrity. The above standards do not affect current Federal policy with respect to law enforcement activities and other efforts to defend and safeguard against threats to national security or the integrity of the Nation's borders,⁽³⁾ to which the following applies:

- **In investigating or preventing threats to national security or other catastrophic events (including the performance of duties related to air transportation security), or in enforcing laws protecting the integrity of the Nation's borders, Federal law enforcement officers may not consider race or ethnicity except to the extent permitted by the Constitution and laws of the United States.**

Any questions arising under these standards should be directed to the Department of Justice.

THE CONSTITUTIONAL FRAMEWORK

"[T]he Constitution prohibits selective enforcement of the law based on considerations such as race." *Whren v. United States*, 517 U.S. 806, 813 (1996). Thus, for example, the decision of federal prosecutors "whether to prosecute may not be based on 'an unjustifiable standard such as race, religion, or other arbitrary classification.'" ⁽⁴⁾ *United States v. Armstrong*, 517 U.S. 456, 464 (1996) (quoting *Oyler v. Boles*, 368 U.S. 448, 456 (1962)). The same is true of Federal law enforcement officers. Federal courts repeatedly have held that any general policy of "utiliz[ing] impermissible racial classifications in determining whom to stop, detain, and search" would violate the Equal Protection Clause. *Chavez v. Illinois State Police*, 251 F.3d 612, 635 (7th Cir. 2001). As the Sixth Circuit has explained, "[i]f law enforcement adopts a policy, employs a practice, or in a given situation takes steps to initiate an investigation of a citizen based solely upon that citizen's race, without more, then a violation of the Equal Protection Clause has occurred." *United States v. Avery*, 137 F.3d 343, 355 (6th Cir. 1997). "A person cannot become the target of a police investigation solely on the basis of skin color. Such selective law enforcement is forbidden." *Id.* at 354.

As the Supreme Court has held, this constitutional prohibition against selective enforcement of the law based on race "draw[s] on 'ordinary equal protection standards.'" *Armstrong*, 517 U.S. at 465 (quoting *Wayte v. United States*, 470 U.S. 598,

608 (1985)). Thus, impermissible selective enforcement based on race occurs when the challenged policy has "a discriminatory effect and . . . was motivated by a discriminatory purpose." *Id.* (quoting *Wayte*, 470 U.S. at 608).⁽⁵⁾ Put simply, "to the extent that race is used as a proxy" for criminality, "a racial stereotype requiring strict scrutiny is in operation." *Cf. Bush v. Vera*, 517 U.S. at 968 (plurality).

I. GUIDANCE FOR FEDERAL OFFICIALS ENGAGED IN LAW ENFORCEMENT ACTIVITIES

A. Routine or Spontaneous Activities in Domestic Law Enforcement

In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, Federal law enforcement officers may not use race or ethnicity to any degree, except that officers may rely on race and ethnicity in a specific suspect description. This prohibition applies even where the use of race or ethnicity might otherwise be lawful.

Federal law enforcement agencies and officers sometimes engage in law enforcement activities, such as traffic and foot patrols, that generally do not involve either the ongoing investigation of specific criminal activities or the prevention of catastrophic events or harm to the national security. Rather, their activities are typified by spontaneous action in response to the activities of individuals whom they happen to encounter in the course of their patrols and about whom they have no information other than their observations. These general enforcement responsibilities should be carried out without *any* consideration of race or ethnicity.

- **Example:** While parked by the side of the George Washington Parkway, a Park Police Officer notices that nearly all vehicles on the road are exceeding the posted speed limit. Although each such vehicle is committing an infraction that would legally justify a stop, the officer may not use race or ethnicity as a factor in deciding which motorists to pull over. Likewise, the officer may not use race or ethnicity in deciding which detained motorists to ask to consent to a search of their vehicles.

Some have argued that overall discrepancies in certain crime rates among racial groups could justify using race as a factor in general traffic enforcement activities and would produce a greater number of arrests for non-traffic offenses (*e.g.*, narcotics trafficking). We emphatically reject this view. The President has made clear his concern that racial profiling is morally wrong and inconsistent with our core values and principles of fairness and justice. Even if there were overall statistical evidence of differential rates of commission of certain offenses among particular races, the affirmative use of such generalized notions by federal law enforcement officers in routine, spontaneous law enforcement activities is tantamount to stereotyping. It casts a pall of suspicion over every member of certain racial and ethnic groups without regard to the specific circumstances of a particular investigation or crime, and it offends the dignity of the

individual improperly targeted. Whatever the motivation, it is patently unacceptable and thus prohibited under this guidance for Federal law enforcement officers to act on the belief that race or ethnicity signals a higher risk of criminality. This is the core of "racial profiling" and it must not occur.

The situation is different when an officer has specific information, based on trustworthy sources, to "be on the lookout" for specific individuals identified at least in part by race or ethnicity. In such circumstances, the officer is not acting based on a generalized assumption about persons of different races; rather, the officer is helping locate specific individuals previously identified as involved in crime.

- **Example:** While parked by the side of the George Washington Parkway, a Park Police Officer receives an "All Points Bulletin" to be on the look-out for a fleeing bank robbery suspect, a man of a particular race and particular hair color in his 30s driving a blue automobile. The Officer may use this description, including the race of the particular suspect, in deciding which speeding motorists to pull over.

B. Law Enforcement Activities Related to Specific Investigations

In conducting activities in connection with a specific investigation, Federal law enforcement officers may consider race and ethnicity only to the extent that there is trustworthy information, relevant to the locality or time frame, that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization. This standard applies even where the use of race or ethnicity might otherwise be lawful.

As noted above, there are circumstances in which law enforcement activities relating to particular identified criminal incidents, schemes or enterprises may involve consideration of personal identifying characteristics of potential suspects, including age, sex, ethnicity or race. Common sense dictates that when a victim describes the assailant as being of a particular race, authorities may properly limit their search for suspects to persons of that race. Similarly, in conducting an ongoing investigation into a specific criminal organization whose membership has been identified as being overwhelmingly of one ethnicity, law enforcement should not be expected to disregard such facts in pursuing investigative leads into the organization's activities.

Reliance upon generalized stereotypes is absolutely forbidden. Rather, use of race or ethnicity is permitted only when the officer is pursuing a specific lead concerning the identifying characteristics of persons involved in an *identified* criminal activity. The rationale underlying this concept carefully limits its reach. In order to qualify as a legitimate investigative lead, the following must be true:

- The information must be relevant to the locality or time frame of the criminal activity;

- The information must be trustworthy;
- The information concerning identifying characteristics must be tied to a particular criminal incident, a particular criminal scheme, or a particular criminal organization.

The following policy statements more fully explain these principles.

1. Authorities May Never Rely on Generalized Stereotypes, But May Rely Only on Specific Race- or Ethnicity-Based Information

This standard categorically bars the use of generalized assumptions based on race.

- ***Example:*** In the course of investigating an auto theft in a federal park, law enforcement authorities could not properly choose to target individuals of a particular race as suspects, based on a generalized assumption that those individuals are more likely to commit crimes.

This bar extends to the use of race-neutral pretexts as an excuse to target minorities. Federal law enforcement may not use such pretexts. This prohibition extends to the use of other, facially race-neutral factors as a proxy for overtly targeting persons of a certain race or ethnicity. This concern arises most frequently when aggressive law enforcement efforts are focused on "high crime areas." The issue is ultimately one of motivation and evidence; certain seemingly race-based efforts, if properly supported by reliable, empirical data, are in fact race-neutral.

- ***Example:*** In connection with a new initiative to increase drug arrests, local authorities begin aggressively enforcing speeding, traffic, and other public area laws in a neighborhood predominantly occupied by people of a single race. The choice of neighborhood was not based on the number of 911 calls, number of arrests, or other pertinent reporting data specific to that area, but only on the general assumption that more drug-related crime occurs in that neighborhood because of its racial composition. This effort would be improper because it is based on generalized stereotypes.
- ***Example:*** Authorities seeking to increase drug arrests use tracking software to plot out where, if anywhere, drug

arrests are concentrated in a particular city, and discover that the clear majority of drug arrests occur in particular precincts that happen to be neighborhoods predominantly occupied by people of a single race. So long as they are not motivated by racial animus, authorities can properly decide to enforce all laws aggressively in that area, including less serious quality of life ordinances, as a means of increasing drug-related arrests. *See, e.g., United States v. Montero-Camargo*, 208 F.3d 1122, 1138 (9th Cir. 2000) ("We must be particularly careful to ensure that a 'high crime' area factor is not used with respect to entire neighborhoods or communities in which members of minority groups regularly go about their daily business, but is limited to specific, circumscribed locations where particular crimes occur with unusual regularity.").

By contrast, where authorities are investigating a crime and have received *specific information* that the suspect is of a certain race (*e.g.*, direct observations by the victim or other witnesses), authorities may reasonably use that information, even if it is the only descriptive information available. In such an instance, it is the victim or other witness making the racial classification, and federal authorities may use reliable incident-specific identifying information to apprehend criminal suspects. Agencies and departments, however, must use caution in the rare instance in which a suspect's race is the only available information. Although the use of that information may not be unconstitutional, broad targeting of discrete racial or ethnic groups always raises serious fairness concerns.

- **Example:** The victim of an assault at a local university describes her assailant as a young male of a particular race with a cut on his right hand. The investigation focuses on whether any students at the university fit the victim's description. Here investigators are properly relying on a description given by the victim, part of which included the assailant's race. Although the ensuing investigation affects students of a particular race, that investigation is not undertaken with a discriminatory purpose. Thus use of race as a factor in the investigation, in this instance, is permissible.

2. The Information Must be Relevant to the Locality or Time Frame

Any information concerning the race of persons who may be involved in specific criminal activities must be locally or temporally relevant.

- **Example:** DEA issues an intelligence report that indicates that a drug ring whose members are known to be predominantly of a particular race or ethnicity is trafficking drugs in Charleston, SC. An agent operating in Los Angeles reads this intelligence report. In the absence of information establishing that this intelligence is also applicable in Southern California, the agent may not use ethnicity as a factor in making local law enforcement decisions about individuals who are of the particular race or ethnicity that is predominant in the Charleston drug ring.

3. The Information Must be Trustworthy

Where the information concerning potential criminal activity is unreliable or is too generalized and unspecific, use of racial descriptions is prohibited.

- **Example:** ATF special agents receive an uncorroborated anonymous tip that a male of a particular race will purchase an illegal firearm at a Greyhound bus terminal in a racially diverse North Philadelphia neighborhood. Although agents surveilling the location are free to monitor the movements of whomever they choose, the agents are prohibited from using the tip information, without more, to target any males of that race in the bus terminal. *Cf. Morgan v. Woessner*, 997 F.2d 1244, 1254 (9th Cir. 1993) (finding no reasonable basis for suspicion where tip "made all black men suspect"). The information is neither sufficiently reliable nor sufficiently specific.

4. Race- or Ethnicity-Based Information Must Always be Specific to Particular Suspects or Incidents, or Ongoing Criminal Activities, Schemes, or Enterprises

These standards contemplate the appropriate use of both "suspect-specific" and "incident-specific" information. As noted above, where a crime has occurred and authorities have eyewitness accounts including the race, ethnicity, or other distinguishing characteristics of the perpetrator, that information may be used. Federal authorities may also use reliable, locally relevant information linking persons of a certain race or ethnicity to a particular incident, unlawful scheme, or ongoing criminal

enterprise--even absent a description of any particular individual suspect. In certain cases, the circumstances surrounding an incident or ongoing criminal activity will point strongly to a perpetrator of a certain race, even though authorities lack an eyewitness account

- **Example:** The FBI is investigating the murder of a known gang member and has information that the shooter is a member of a rival gang. The FBI knows that the members of the rival gang are exclusively members of a certain ethnicity. This information, however, is not suspect-specific because there is no description of the particular assailant. But because authorities have reliable, locally relevant information linking a rival group with a distinctive ethnic character to the murder, Federal law enforcement officers could properly consider ethnicity in conjunction with other appropriate factors in the course of conducting their investigation. Agents could properly decide to focus on persons dressed in a manner consistent with gang activity, but ignore persons dressed in that manner who do not appear to be members of that particular ethnicity.

It is critical, however, that there be reliable information that ties persons of a particular description to a specific criminal incident, ongoing criminal activity, or particular criminal organization. Otherwise, any use of race runs the risk of descending into reliance upon prohibited generalized stereotypes.

- **Example:** While investigating a car theft ring that dismantles cars and ships the parts for sale in other states, the FBI is informed by local authorities that it is common knowledge locally that most car thefts in that area are committed by individuals of a particular race. In this example, although the source (local police) is trustworthy, and the information potentially verifiable with reference to arrest statistics, there is no particular incident- or scheme-specific information linking individuals of that race to the particular interstate ring the FBI is investigating. Thus, without more, agents could not use ethnicity as a factor in making law enforcement decisions in this investigation.

Note that these standards allow the use of reliable identifying information about planned future crimes. Where federal authorities receive a credible tip from a reliable informant regarding a planned crime that has not yet occurred, authorities may use this information under the same restrictions applying to information obtained regarding a past incident. A prohibition on the use of

reliable prospective information would severely hamper law enforcement efforts by essentially compelling authorities to wait for crimes to occur, instead of taking pro-active measures to prevent crimes from happening.

- **Example:** While investigating a specific drug trafficking operation, DEA special agents learn that a particular methamphetamine distribution ring is manufacturing the drug in California, and plans to have couriers pick up shipments at the Sacramento, California airport and drive the drugs back to Oklahoma for distribution. The agents also receive trustworthy information that the distribution ring has specifically chosen to hire older couples of a particular race to act as the couriers. DEA agents may properly target older couples of that particular race driving vehicles with indicia such as Oklahoma plates near the Sacramento airport.

II. GUIDANCE FOR FEDERAL OFFICIALS ENGAGED IN LAW ENFORCEMENT ACTIVITIES INVOLVING THREATS TO NATIONAL SECURITY OR THE INTEGRITY OF THE NATION'S BORDERS

In investigating or preventing threats to national security or other catastrophic events (including the performance of duties related to air transportation security), or in enforcing laws protecting the integrity of the Nation's borders, Federal law enforcement officers may not consider race or ethnicity except to the extent permitted by the Constitution and laws of the United States.

Since the terrorist attacks on September 11, 2001, the President has emphasized that federal law enforcement personnel must use every legitimate tool to prevent future attacks, protect our Nation's borders, and deter those who would cause devastating harm to our Nation and its people through the use of biological or chemical weapons, other weapons of mass destruction, suicide hijackings, or any other means. "It is 'obvious and unarguable' that no governmental interest is more compelling than the security of the Nation." *Haig v. Agee*, 453 U.S. 280, 307 (1981) (quoting *Aptheker v. Secretary of State*, 378 U.S. 500, 509 (1964)).

The Constitution prohibits consideration of race or ethnicity in law enforcement decisions in all but the most exceptional instances. Given the incalculably high stakes involved in such investigations, however, Federal law enforcement officers who are protecting national security or preventing catastrophic events (as well as airport security screeners) may consider race, ethnicity, and other relevant factors to the extent permitted by our laws and the Constitution. Similarly, because enforcement of the laws protecting the Nation's borders may necessarily involve a consideration of a person's alienage in certain circumstances, the use of race or ethnicity in such circumstances is properly governed by existing statutory and constitutional standards. *See, e.g., United States v. Brignoni-Ponce*,

422 U.S. 873, 886-87 (1975).⁽⁶⁾ This policy will honor the rule of law and promote vigorous protection of our national security.

As the Supreme Court has stated, all racial classifications by a governmental actor are subject to the "strictest judicial scrutiny." *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 224-25 (1995). The application of strict scrutiny is of necessity a fact-intensive process. *Id.* at 236. Thus, the legality of particular, race-sensitive actions taken by Federal law enforcement officials in the context of national security and border integrity will depend to a large extent on the circumstances at hand. In absolutely no event, however, may Federal officials assert a national security or border integrity rationale as a mere pretext for invidious discrimination. Indeed, the very purpose of the strict scrutiny test is to "smoke out" illegitimate use of race, *Adarand*, 515 U.S. at 226 (quoting *Richmond v. J.A. Croson Co.*, 488 U.S. 469, 493 (1989)), and law enforcement strategies not actually premised on *bona fide* national security or border integrity interests therefore will not stand.

In sum, constitutional provisions limiting government action on the basis of race are wide-ranging and provide substantial protections at every step of the investigative and judicial process. Accordingly, and as illustrated below, when addressing matters of national security, border integrity, or the possible catastrophic loss of life, existing legal and constitutional standards are an appropriate guide for Federal law enforcement officers.

- **Example:** The FBI receives reliable information that persons affiliated with a foreign ethnic insurgent group intend to use suicide bombers to assassinate that country's president and his entire entourage during an official visit to the United States. Federal law enforcement may appropriately focus investigative attention on identifying members of that ethnic insurgent group who may be present and active in the United States and who, based on other available information, might conceivably be involved in planning some such attack during the state visit.
- **Example:** U.S. intelligence sources report that terrorists from a particular ethnic group are planning to use commercial jetliners as weapons by hijacking them at an airport in California during the next week. Before allowing men of that ethnic group to board commercial airplanes in California airports during the next week, Transportation Security Administration personnel, and other federal and state authorities, may subject them to heightened scrutiny.

Because terrorist organizations might aim to engage in unexpected acts of catastrophic violence in any available part of the country (indeed, in multiple places simultaneously, if possible), there can be no expectation that the information must be specific to a particular locale or even to a particular identified scheme.

Of course, as in the example below, reliance solely upon generalized stereotypes is forbidden.

- **Example:** At the security entrance to a Federal courthouse, a man who appears to be of a particular ethnicity properly submits his briefcase for x-ray screening and passes through the metal detector. The inspection of the briefcase reveals nothing amiss, the man does not activate the metal detector, and there is nothing suspicious about his activities or appearance. In the absence of any threat warning, the federal security screener may not order the man to undergo a further inspection solely because he appears to be of a particular ethnicity.

FOOTNOTES

1. See *United States v. Montero-Camargo*, 208 F.3d 1122, 1135 (9th Cir. 2000) ("Stops based on race or ethnic appearance send the underlying message to all our citizens that those who are not white are judged by the color of their skin alone.").

2. This guidance is intended only to improve the internal management of the executive branch. It is not intended to, and does not, create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does it create any right of review in an administrative, judicial or any other proceeding.

3. This guidance document does not apply to U.S. military, intelligence, protective or diplomatic activities conducted consistent with the Constitution and applicable Federal law.

4. These same principles do not necessarily apply to classifications based on alienage. For example, Congress, in the exercise of its broad powers over immigration, has enacted a number of provisions that apply only to aliens, and enforcement of such provisions properly entails consideration of a person's alien status.

5. Invidious discrimination is not necessarily present whenever there is a "disproportion" between the racial composition of the pool of persons prosecuted and the general public at large; rather, the focus must be the pool of "*similarly situated* individuals of a different race [who] were not prosecuted." *Armstrong*, 517 U.S. at 465 (emphasis added). "[R]acial disproportions in the level of prosecutions for a particular crime may be unobjectionable if they merely reflect racial disproportions in the commission of that crime." *Bush v. Vera*, 517 U.S. 952, 968 (1996) (plurality).

6. Moreover, as in the traditional law enforcement context described in the second standard, *supra*, officials involved in homeland security may take into account specific, credible information about the descriptive characteristics of persons who are affiliated with identified organizations that are actively engaged in threatening the national security.

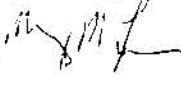
U.S. Department of Homeland
Security
425 I Street N.W.
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

AUG 20 2007

TO: All Special Agents in Charge and Field Office Directors

FROM: Marcy M. Forman  John P. Torres 
Director, Office of Investigations Director, Office of Detention and Removal Operations

SUBJECT: DRO/OI Protocols

The Offices of Investigations (OI) and Detention and Removal Operations (DRO) announce the issuance of the attached DRO/OI Protocols. They are the result of joint alliance between the OI and DRO, written in the spirit of establishing one ICE culture, regardless of assignment or program, with all components working together in a joint effort to ensure the continued success of ICE.

The enforcement protocols provide a road map for the critical roles played by each program; identify the goals, objectives and mission of each program; and provide building blocks for enhanced ICE partnership. Most importantly, the document ensures that the complimentary roles of both programs continue to develop as the external demands increase. As we continue to work and grow together in a collaborative effort, we will further build upon the foundation set forth within this document.

Please disseminate the attached to all personnel within your areas of responsibility. As we move forward, we will continue to assess the parameters defined herein to assure they remain effective and relevant as the agency mission continues to evolve.

At the end of the day, we as an agency must continue to work together to secure the Homeland, and continually work to achieve the goals outlined in the attached protocols. While we must accept that both programs face limited capacities, we are committed to work together at all levels to ensure the success of both programs as we move forward.

ENFORCEMENT PROTOCOLS FOR ICE OFFICES OF INVESTIGATIONS AND DETENTION AND REMOVAL

Faced with an enormous challenge, it is essential that the ICE Office of Detention and Removal (DRO) and the ICE Office of Investigations (OI) communicate, collaborate and cooperate in their respective and complimentary immigration enforcement missions. To ensure this occurs, the following enforcement protocols are being established to eliminate any confusion on the part of either program. These protocols will provide definitive national guidance for the interaction of both programs but can be superseded by local protocols mutually developed by DRO FODs and OI SACs within their respective areas of responsibility, with the concurrence of the DRO and OI HQ Directors.

MISSIONS

Office of Investigations – OI is the largest investigative component within the Department of Homeland Security (DHS). OI, within ICE, is responsible for conducting criminal investigations for violations of immigration and customs statutes.

Office of Detention and Removal – DRO is a rapidly expanding program with the responsibility for ensuring that all removable aliens are detained in a safe environment and expeditiously removed from the United States. DRO has the responsibility for detaining and removing illegal aliens apprehended by ICE, CBP and, as resources allow, other law enforcement entities.

It is the vision of ICE for DRO to assume primary responsibility for non-investigative administrative arrests, for example, state and local law enforcement response to interdiction of immigration violators or probation and parole referrals. SACs and FODs are encouraged to initiate discussions to implement transfer of these responsibilities in areas where the FOD has the resources and can meet current goals and priorities. Absent sufficient local resources, headquarters staff from OI and DRO will meet quarterly to assess the resource requirements needed to transfer this responsibility.

Key Points – Facing a common formidable immigration responsibility, as key programs within a single agency, OI and DRO will seek to support each other wherever, whenever and however possible. In addressing their complimentary immigration enforcement missions, OI may conduct administrative immigration enforcement, such as worksite or gang enforcement related to its criminal work and DRO may conduct criminal immigration enforcement related to its administrative work. Neither area is exclusive to either program. However, both programs will take all measures to ensure that the other is fully cognizant of their related enforcement efforts in order to eliminate redundancy and enhance officer safety. Further, DRO will gain the concurrence of OI before undertaking any criminal immigration enforcement efforts except for those Title 8 USC 1326 criminal cases evolving from DRO's CAP and Fugitive Operation efforts, Title 8 USC 1252 (Violating Conditions of Release Pending Deportation & Preventing Deportation) and

Title 8 USC 1253 (Penalties Related to Removal).¹ An OI response to any such DRO inquiry should be forthcoming within 24 hours of receipt. It is expected, following the full vetting of DRO criminal targets, that in most instances, DRO will proceed with its planned criminal enforcement efforts.²

PROTOCOLS

Coordination – In order to coordinate their respective law enforcement operations and to more effectively coordinate their respective interaction with other law enforcement and intelligence gathering agencies, OI and DRO will adhere to the following guidelines:

- FODs and SACs will, at a minimum, meet on a monthly basis to discuss items of mutual concern and to coordinate efforts between the two offices at the field level. Within HQ, the OI and DRO Assistant Directors for Operations will meet monthly to discuss national operational issues.
- SACs and FODs will designate, within their respective offices, a senior manager at no less than the ASAC or AFOD level to act as the principal liaison to their counterpart component. These liaisons will act as the primary points of contact for OI and DRO within each AOR.
- FODs and SACs will collaborate regarding staffing levels to ensure that their respective offices are responsive to inquiries/referrals from their counterparts and will make contact numbers for duty agents/officers available. The liaison ASACs and AFODs or their designated representatives will be available 24/7 for call-out support to coordinate after hours response.
- Media and Congressional interactions will be coordinated to ensure both entities are fully aware of any media releases and significant congressional inquiries regarding operations.
- OI and DRO will collaborate in operational planning at the earliest opportunity when it is anticipated that resources will be requested or impacted by an enforcement action.
- At all levels, prior to implementation, DRO and OI will coordinate the development of any internal policy or procedure change that is likely to impact the other.

¹ In instances when the violator has a history of core violations that fall under the purview of OI notification to the OI duty agent is required.

² DRO may present cases for prosecution for criminal violations in accordance with the points outlined within this document.

- SACs and FODs will facilitate training of their counterpart employees. Local OI offices will develop briefings to familiarize DRO personnel with their investigative priorities and the various types of criminal investigations conducted by OI to assist DRO personnel in making informed decisions on how to proceed upon the initial encounter of criminal evidence, information or assets for seizure. Particular regard will be paid to Human Smuggling and Trafficking, Bulk Cash Smuggling, narcotics and weapons smuggling, and National Security matters.
- FOD offices will develop briefings to familiarize SAC personnel with local priorities and procedures related to CAP, the National Fugitive Operations program, Detention Management, removal processing, and the appropriate processing of juvenile detainees.
- FODs and SACs will also be encouraged to establish additional developmental training assignments for newly hired DRO and OI personnel.
- When OI becomes cognizant that an immigration fugitive is also the subject of an OI criminal investigation, OI will notify and coordinate with DRO. Similarly, when DRO becomes cognizant that a Fugitive Operation's target is also the subject of an OI criminal investigation, DRO will notify and coordinate with OI. De-confliction at the earliest possible time is in the best interest of both programs.
- OI will notify DRO of confidential informants or cooperating defendants who are known to be, or suspected of being, foreign fugitives or immigration fugitives.³ DRO will work with OI to ensure that those individuals are not taken into custody by Fugitive Operations Teams until coordinated with OI.
- SACs and FODs will maintain metrics for responses to all local calls for assistance.

Investigative Referrals –

- DRO will refer all matters of suspected national security interest or criminal activity involvement, not defined within this document, to OI immediately upon discovery. This includes whether the information is self-generated or derived from a third agency.
- Any information obtained by DRO from detainees or fugitives related to any criminal activities normally investigated by OI or by another federal agency will be referred to OI for dissemination to the appropriate third agency, i.e., FBI, DEA, ATF, etc.

³ Foreign fugitives is defined as a subject amenable to an ICE administrative arrest and wanted by a foreign law enforcement entity for violations of local law.

- OI will immediately refer all matters relating to foreign or immigration fugitives to DRO. If the matter involves an on-going criminal investigation, OI and DRO will coordinate appropriately as defined by these protocols.

Case Management –

- Both DRO and OI will utilize (b)(7)(C) case management and SEACATS to document Reports of Investigation (ROI), criminal arrests, and seizures. SAC offices will enter DRO seizures into SEACATS pending OI training of DRO personnel to assume this responsibility.
- Evidence that is discovered by DRO and subsequently seized by ICE will be entered into SEACATS with DRO as the seizing entity. This will allow DRO to track seizures made as a result of their operations.
- Administrative processing of removable aliens will be conducted by OI and DRO using (b)(7)(E)

De-confliction –

- For officer safety purposes, OI will provide a briefing to DRO regarding the existing local de-confliction centers or mechanisms within their respective area of responsibility. DRO will take the necessary steps to participate in the local de-confliction center.
- OI will notify DRO of the identification of known foreign or immigration fugitives in advance of any premeditated enforcement action or immediately after an enforcement activity if not known beforehand.
- OI will create timely (b)(7)(E) records to ensure that subjects, vehicles, addresses and organizations of investigative interest to OI can be identified by DRO prior to DRO enforcement operations. DRO and OI will conduct the following (b)(7)(E) queries on all known targets, vehicles, addresses, organizations, and employers prior to their enforcement actions: (b)(7)(E)
(b)(7)(E)
- DRO and OI will conduct the same (b)(7)(C) queries on all aliens who are arrested and administratively processed incidental to a planned apprehension and notify the case agent or officer of any positive results.
- Under the umbrella of Community Shield, OI and DRO will collaborate in the planning of all operations targeting known or suspected members of any street gangs. As such, all statistics will be captured under the Community Shield umbrella. OI will provide DRO the statistical guidance for data collection.

- Administrative arrests of gang members by ICE will be entered into ENFORCE and TECS. SAC offices will enter DRO arrests into TECS pending OI training of DRO personnel to assume this responsibility.

Transportation/Processing/Detention Support –

- As partner programs within the same agency, DRO and OI will coordinate transportation, processing and detention support as delineated below.
- OI will retain responsibility for the administrative processing of aliens arrested incidental to their criminal and administrative investigations. However, in all joint operations, DRO and OI will coordinate and share all administrative processing and transportation responsibilities.
- It is the vision of ICE, in areas where feasible, that DRO and OI will collaborate to develop transportation and processing contracts.
- DRO is responsible for detention and transportation budgets and accountability. FODs and SACs will work together to identify and remedy detention and transportation deficiencies within their AOR and will jointly identify solutions including the use of inter-governmental service agreements (IGSAs).

Conflict Resolution –

- FODs and SACS are strongly encouraged to resolve conflicts at the lowest level.
- Matters of disagreement or dispute regarding daily operations shall be timely addressed and resolved. Issues that cannot be satisfactorily resolved between the AFODs and ASACs will be brought to the attention of the FOD and SAC for immediate resolution.
- In the unlikely event that an issue cannot be resolved at the FOD/SAC level, both the FOD and SAC shall prepare a written summary of the issue, which will be reviewed jointly by the DRO and OI Assistant Directors for Operations.



John P. Torres
Director
Office of Detention and Removal Operations



Marcy M. Forman
Director
Office of Investigations

AUG 29 2008



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: All Field Office Directors
All Deputy Field Office Directors

(b)(7)(C),(b)(6)

FROM:

Acting Director, Office of Detention and Removal Operations

SUBJECT:

Criminal Alien Statistics

Purpose

This policy memorandum supersedes, in part, the policy memorandum entitled, "Pre-Removal/Release Record Checks and Related Procedures," by acting Director John P. Torres on July 18, 2006, and includes a requirement to obtain written concurrence for the removal of individuals who have an active ICE Office of Investigations (OI) record in the (b)(7)(E) from an Assistant Special Agent in Charge (ASAC) or higher. Additionally, this memorandum serves to reinforce the importance of accurately capturing and updating information in the (b)(7)(E) Alien Removal Module (EARM).

National Crime Information Center (NCIC) record checks must be conducted for all aliens; positive results must be properly documented in EARM.

Compliance with this policy directive will be monitored by the HQDRO Executive Information Unit (EIU). EIU will perform audits, consisting of a sampling of EARM case closures, from each Field Office on a daily basis.

Procedures

(b)(7)(E) queries will be conducted on all aliens encountered by DRO officers including:

(b)(7)(E)

If the criminal history check, (b)(7)(F) results in a positive response, the EARM Person Tab (Crimes Section) will be updated with the appropriate criminal convictions as defined by the Secure Communities Plan (SC).

The following definitions of each category level of offenses, as described in the SC, are identified below:

Level I – Category convictions are defined as criminal aliens who have been convicted of major drug offenses and violent offenses such as murder, manslaughter, rape, robbery and kidnapping.

Level II – Category convictions are defined as criminal aliens who have been convicted of minor drug offenses or various property offenses, including burglary, larceny, fraud, and money laundering.

Level III – Category convictions are defined as criminal aliens who have been convicted of other, more minor offenses.

As previously stated in a policy memorandum entitled, “Criminal Alien Program (CAP) Case Identification in (b)(7)(E) dated July 11, 2006, FODs must ensure that criminal histories in EARM are updated appropriately. These updates will allow for CAP cases to be tracked more accurately.

If a (b)(7)(F) hit occurs, the alien will not be removed until written assurance is provided by the agency owning the record that there is no interest in detaining the alien for further criminal or administrative prosecution. In cases where the owner of the record is ICE OI, an ASAC or higher must concur with removal.

Conclusion

Capturing criminal alien statistics within EARM in a timely matter will ensure that DRO maintains data integrity in the management of all cases. It will also provide for a reliable method of tracking the data, which in turn will account for the number of criminal aliens removed from the United States.

Any questions regarding this policy directive should be addressed to (b)(7)(C), (b)(6) Unit Chief, CAP Special Programs, via e-mail or telephonically at (202) 616- (b)(7)(C), (b)(6)



NATIONAL FUGITIVE OPERATIONS PROGRAM

Policy

TABLE OF CONTENTS

I. INTRODUCTION AND BACKGROUND.....	2
II. MISSION	2
III. AUTHORITY	2
IV. POLICY	2
V. DEFINITIONS	3
VI. TRAINING	4
VII. PROCEDURE.....	5
A. SUPERVISION.....	5
B. CASE PREPARATION	5
C. LOGISTICS	6
1. Communications.....	6
2. Clothing and Equipment.....	6
D. FIELD OPERATIONS.....	7
1. Approach and Entry of a Building.....	7
2. Officer and Public Safety.....	8
3. Other Law Enforcement Agency Liaison.....	8
E. NON-ROUTINE CIRCUMSTANCES	8
1. Critical Incidents.....	8
2. Other Than Immigration Offenses	9
3. Search Incident to Arrest.....	9
4. Matters Involving Juveniles	9
5. Cross-Jurisdictional Issues.....	9
6. Media Issues	9
F. RECORDKEEPING	10
G. IMPLEMENTATION ACTIONS.....	10

National Fugitive Operations Program

I. INTRODUCTION AND BACKGROUND

The removal of criminal aliens from the United States has been an INS priority and a matter of Congressional concern for many years. This document, however, reflects the Service's commitment to encouraging *all* aliens to comply with properly issued Removal, Deportation, and Exclusion Orders and taking affirmative steps to enforce existing orders. Unless the Service takes practical steps in this regard, the practice of ignoring adverse orders of the Executive Office of Immigration Review (EOIR), the Board of Immigration Appeals (BIA), and federal courts will continue and adversely affect the Service's mission.

II. MISSION

The mission of the National Fugitive Operations Program (NFOP) is to identify, locate, apprehend, process, and remove fugitive aliens from the United States. This mission will be carried out in a safe, humane and legal manner.

III. AUTHORITY

Sections 236 and 287 of the Immigration and Nationality Act (INA) contain the authority INS officers have to arrest, detain and remove certain aliens from the United States. Each officer participating in fugitive operations will be familiar with the laws, policies and procedures relating to search and seizure and the enforcement authorities under the INA.

IV. POLICY

Supervisory oversight is critical in ensuring that the NFOP is implemented consistently throughout the Service. As such, supervisors will ensure officers will receive the training, equipment, and leadership necessary to safely and effectively conduct fugitive operations.

Fugitive operations should be conducted during daylight hours. Deviations to this limitation may be authorized by the ADD/DRO, in writing, on the Field Operations Worksheet if it is reasonable and necessary to support both the safe apprehension of the fugitive and the safety of the officers and general public.

A single officer may conduct investigative checks, attempts to locate, and surveillance, however, arrests must involve a team of at least two law enforcement officers.

If the purpose of an operation is the arrest of a fugitive, officers must have a reasonable belief that the fugitive is in the suspected location prior to approaching the site. This shall be articulated on the Field Operations Worksheet. Supervisors are to determine the credibility of information gathered in the field regarding the location of a fugitive, and to act on that information.

Under no circumstances will DRO personnel engage in a vehicle pursuit.

Whenever possible, a caged vehicle will be available to support fugitive operations.

Criminal prosecutions under Title 8 United States Code, Section 1253 (a) and (b), and Section 1326, as they relate to fugitives, will be pursued as practicable.

All training related to fugitive operations provided to Service officers will be documented and maintained by a supervisor or designated Training Officer.

All personnel involved in fugitive operations will be provided with a copy of this Policy and will sign an acknowledgement of receipt that will be maintained by their supervisor.

V. DEFINITIONS

ADD/DRO. For the purposes of this Policy, this will include the current Assistant District Director for Detention and Removal and the new Director, Detention and Removal Field Office as identified under the reorganization structure.

Case Officer. The individual who plans a fugitive operation, and prepares the Field Operations Worksheet (*see sample, Appendix A, attached*). This officer is responsible for briefing other officers about the case and making contact with the fugitive at his/her residence or place of business.

Final Order of Deportation or Removal. The order of the Immigration Judge, the Board of Immigration Appeals (BIA) or other such Administrative Officer to whom the Attorney General has delegated the responsibility for determining whether an alien is removable, concluding that the alien is deportable, removable or excludable or ordering removal. Such order will become final upon the earlier of:

- The expiration of the period in which the alien is permitted to seek review of such order by the BIA, the alien waives his appeal before the immigration judge, or there is an alternate order to voluntary departure where the alien fails to depart as required. (See 8 CFR 241.1) For the purpose of this Policy, Order of Deportation or Removal will encompass exclusion, deportation and removal orders; or
- A determination by the BIA affirming such order; or
- The conclusion of a properly filed judicial stay.

Fugitive. An alien who has failed to depart the United States or report to an INS officer after receiving a legal order to do so, or any alien wanted by the INS for a violation of status, order or law. This includes aliens who have violated an order of supervision, failed to appear for a hearing, or one who has reentered the United States after having been previously removed. An absconder is also a subset of this definition as an alien who has an unexecuted final order of removal and whose whereabouts are unknown.

Incidental Arrest. The apprehension of a person other than the fugitive.

Informed Consent. Permission to enter or remain on a premises given by an owner, tenant, or resident of legal age.

Law Enforcement Officer. An officer or employee of an agency engaged in the administration of criminal justice pursuant to statute or executive order, including (1) courts; (2) a government agency or component which performs the administration of criminal justice as defined in 28 CFR part 20 including performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. (See 8 CFR 287.1(e))

VI. TRAINING

An officer must have completed INS basic law-enforcement training, as identified under 8 CFR 287.1(g), before the ADD/DRO will authorize his/her participation in fugitive operations. The ADD/DRO will also ensure that officers participating in these operations are instructed in the laws and regulations relating to Fourth Amendment issues (See M-69, "The Officer's Guide to Search and Seizure").

INS personnel from programs other than DRO, as identified under 8 CFR 287.5, may be tasked with assisting in fugitive operations. Their participation in the NFOP will not begin, however, until they have received and become familiar with a copy of this Policy and have received the requisite training.

VII. PROCEDURE

A. SUPERVISION

Supervisors shall approve all fugitive operations, in writing, on the Field Operations Worksheet prior to initiation of the operation. Consistent with current policy, operations involving multi-agency coordination/cooperation and/or criminal fugitives with violent tendencies, shall be approved by the ADD/DRO.

Those operations involving multi-agency coordination/cooperation or any operation that may generate publicity or public interest shall be documented on an Operation Plan and forwarded up through the chain of command by the ADD/DRO as soon as the operation is identified. Such operations shall, at a minimum, be approved by the appropriate Regional Director or the Director, Field Division. The approving official shall determine if Headquarters notification is appropriate and will take such action to accomplish this as necessary. The operation shall proceed without further concurrence unless directed otherwise by either the Office of Field Operations or the Office of Detention and Removal.

Supervisors should actively participate in fugitive operations. When a supervisor is not on the scene, one will be accessible by phone or radio at all times during the operation. The off-site supervisor must be prepared to travel to the scene, if that becomes necessary.

B. CASE PREPARATION

After the Case Officer has confirmed that the alien is removable, officers will:

- Conduct a complete review of the fugitive's file and of other pertinent documents to gather investigative leads. This includes, but is not limited to:
 - Form I-166, if sent
 - Current address
 - Current criminal history printout
 - All available records, including computerized state and federal criminal records
 - Driver history and DMV-registered vehicles, if applicable.
- Create a work-folder consisting of the following:
 - Completed Field Operations Worksheet, signed by supervisor
 - Copy of Warrant of Deportation/Removal
 - Criminal history printouts
 - Fugitive's photo and prints, if available

- Map to and diagram of arrest site
 - Location of nearest hospital
 - Contact numbers for local law enforcement agencies.
- Conduct surveillance. Surveillance plays a critical role in identifying factors that influence method and time of arrest, e.g., the presence of children, other family members, animals, or other threats to the success of the operation or officer safety. Surveillance can confirm the fugitive's presence at the targeted arrest site.
 - Set a time for the operation, using intelligence from surveillance and other sources, and sensitivity to such factors as public safety and the potential disruption of families, neighbors, business operations, etc. Indicate the time slated for the operation on the Field Operations Worksheet. The supervisor will ensure the appropriateness of the proposed timing before signing the Field Operations Worksheet.
 - Begin the fugitive operation with a briefing, during which the team will discuss primary and alternative plans. During the briefing, the duties of each participant will be assigned.
 - End the fugitive operation with a de-briefing to critique the operational performance and accomplishments.
 - If local law enforcement officers are included in the operation they should also be included in the briefing and de-briefing process.

C. LOGISTICS

1. COMMUNICATIONS

The Field Operations Worksheet will indicate the modes of communication; names and call signs and, if available, cell phone numbers of all participants, including any police officers; emergency points of contact, including supervisors, local law enforcement, and hospital(s). Every officer participating must have on his/her person a Service-issued radio or mobile phone with radio type capabilities.

2. CLOTHING AND EQUIPMENT

Based on a thorough assessment of the situation, the case officer will recommend the operational uniform. That recommendation will be annotated on the Field Operations Worksheet, which will be reviewed by the supervisor. Authorization for anything other than plain-clothes operations shall be approved, in writing, by the ADD/DRO on the Field Operations Worksheet.

When officers are conducting a plain-clothes operation, they must have items that identify them as law enforcement officers readily available: badges, hats or jackets with police insignia, etc.

In all other situations, officers will wear the "rough duty" clothing issued by the district (i.e., polo-style shirt with insignia; windbreaker jacket with insignia).

In accordance with the NINSC Agreement, Districts will issue rough-duty gear to non-uniformed personnel involved in fugitive operations.

Supervisors will ensure that each officer participating in a fugitive operation has the following equipment:

- Plain black duty belt with accessories
- Body armor/bulletproof vest
- Service-approved firearm, magazines, and ammunition
- Service-approved non-deadly-force devices
- Service-issued portable radios or mobile phones with radio type capabilities
- Service-issued handcuffs.

D. FIELD OPERATIONS

Arresting a fugitive at his/her residence or place of employment can be a difficult and potentially dangerous task. For this reason, the supervisor must ensure that the number of officers assigned to a particular operation is sufficient to secure the area and search for the fugitive.

1. APPROACH AND ENTRY OF A BUILDING

Officers can knock on a door and request to speak with the occupants of the house without first obtaining a search warrant. However, in order to enter a residence, someone who has authority to do so must grant informed consent unless a court approved search warrant is obtained in advance. The person giving the consent must be an owner, tenant, or authorized resident of legal age. When consent to enter is given, the officer must note at what time and by whom.

The Case Officer should announce the team's presence by clearly saying "Police, U.S. Immigration" or "Police, Federal Officers." A second announcement, in an appropriate second language may also be given. It is imperative that the occupants understand that officers are federal law enforcement representatives of the Immigration and Naturalization Service. An occupant of the residence has the right to refuse to open the door. Officers should not begin the interview until the door is opened, as they may not be able to detect a threat to their safety developing. Officers shall display credentials when asked or as soon as it is safe to do so.

Officers will conduct a thorough search for the fugitive and any threat(s) to officer safety. Once the fugitive has been physically located, officers may complete the arrest, even if informed consent is withdrawn.

Prior to departing the residence, officers will collect any identification relating to the subject's nationality, including travel documents, as well as any necessary medication. All aliens arrested will be questioned about their health before being taken into custody. If an alien has a serious medical problem, a supervisor will decide whether and, if so, how to proceed with the arrest.

Officers should leave the telephone number and address of their INS office for interested parties to contact for information about the detainee(s)' location.

Officers may enter an area or business accessible to the general public without a warrant or informed consent to question anyone believed to be an alien about his/her immigration status.

2. OFFICER AND PUBLIC SAFETY

The safety of officers, third parties, and fugitives is of utmost importance. Any officer who perceives an unsafe situation or one for which the team is unprepared will immediately communicate this to the rest of the team. This will suspend the operation pending instructions from a supervisor.

3. OTHER LAW ENFORCEMENT AGENCY LIAISON

Local law enforcement agencies (LEAs) will be advised prior to execution of any fugitive operation where an arrest is expected or anticipated. Such basic notification lets the LEA advise INS of any of its own operations in the vicinity, and enhances their ability to respond appropriately to any calls regarding the INS operation. In multi-jurisdictional areas of operation, the LEA that has jurisdiction over the prime arrest location will be notified. Neighboring LEAs should be notified if the operation calls for multiple arrest locations. This notification will be recorded on the Field Operations Worksheet.

E. NON-ROUTINE CIRCUMSTANCES

1. CRITICAL INCIDENTS

If a unit is involved in a critical incident, a supervisor will immediately report to the location to gather information, secure the scene and provide assistance to the officers involved. Any officer who participates in or observes a reportable shooting incident will follow standard reporting requirements (*see* AM § 20.012).

2. OTHER THAN IMMIGRATION OFFENSES

During the course of a fugitive operation, officers may discover evidence of a violation of state or other federal law. In such cases, officers will contact the appropriate law enforcement agency. These actions will be recorded on either Form I-213 or Form G-166C, as appropriate, and the Field Operations Worksheet.

DRO personnel should process all aliens apprehended as incidental arrests to include Notice to Appear, Warrants of Arrest, etc. The INS Investigations section should be advised of all situations where information indicates that persons arrested are involved in other illegal activity that could develop into an investigation.

Form I-44 will be prepared after the incidental arrest of a citizen or non-deportable alien for a violation of the Immigration and Nationality Act. A copy of Form I-44 and Form I-213 / G-166C will be retained in the A-file.

3. SEARCH INCIDENT TO ARREST

All persons should be searched immediately upon arrest. To the extent possible, an officer of the same sex as the person arrested will perform the search (see "Enforcement Standard on Body Searches").

4. MATTERS INVOLVING JUVENILES

Procedures outlined in the Headquarters Juvenile Protocol Manual are to be followed when juveniles are taken into custody as part of an operation. If other issues involving the custody of a juvenile arise, the officer should consult the District Juvenile Coordinator.

5. CROSS-JURISDICTIONAL ISSUES

The district director will be advised of fugitive operations with the potential to cross-district or regional boundaries.

6. MEDIA ISSUES

All media communications surrounding a fugitive operation will be directed to the District Public Information Officer (PIO) or other individual designated by the district director. Offices should contact the PIO regarding high-profile arrests or consideration of media releases that may be favorable to the Service.

The district director will be advised in advance of any operation likely to generate publicity, either positive or negative. Any reporting of these situations will be governed by the policy concerning the preparation of Significant Incident Reports (SIRs).

F. RECORDKEEPING

The ADD/DRO will maintain current records of fugitive operations-related training. For future reference, the ADD/DRO will also maintain files of completed Field Operations Worksheets. Copies of the Field Operations Worksheets shall *not* be made a part of the fugitive's official A-file.

Each office is required to maintain a medical profile on each officer who performs this duty. This profile information should contain blood type, drug allergies, name and phone number of regular doctor, medical coverage, next of kin emergency contacts, etc. It must be maintained under lock and key by the first and second line supervisors and may be faxed or personally provided to an emergency medical facility in the event the officer is involved in a medical emergency.

G. IMPLEMENTATION ACTIONS

HQDRO will review this policy no more than one year from date of implementation, or earlier by request of fugitive operations field managers.

The action items that follow are to be taken within 30 days of issuance of this Policy:

- Supervisors will explain the instructions contained in this memorandum, point-by-point, with all personnel who participate in fugitive operations.
- Districts will purchase and provide the clothing and equipment identified above, under "Logistics" (see #IV (C) (2), above).
- Districts will implement field fugitive operations on all cases within their jurisdiction that fall within the definition of fugitive.

(Instructions)

The Field Operations Worksheet (FOW) is created in a Word template format and can be completed by simply moving from one field to another. Several fields on the FOW have been created to handle free text and will expand as needed. Supervisors and case officers are encouraged to use these fields to enhance information on each case.

CASE OFFICER: Insert the name of the officer to which this case has been assigned. See definition in Section V of the FugOps SOP for case officer responsibilities.

FUGITIVE: Biographical and operational data on the target of the investigation.

CRIMINAL HISTORY: List all data located to indicate criminal activity or suspected criminal activity of the fugitive. Attach continuation sheets as necessary.

PHOTO: Attach the last known or available photo of the fugitive after printing out in hard copy.

LAST KNOWN ADDRESS: List the last known home address and phone number of the subject.

SITUATION / MISSION / INVESTIGATIVE LEADS: The case officer makes his/her case in this block. It is free text and should be used to explain everything necessary to support an operation to locate/apprehend the target. Information listed should include any other addresses at which the fugitive may be located, criminal or familial associates who may be encountered and any other investigative information that may have been developed.

EQUIPMENT / CLOTHING: List the specialized equipment that may be required to accomplish the locate and apprehension of the fugitive. Include vehicle types as well as an officer's tools of the trade (surveillance devices, communication equipment, firearms, restraining devices, non-lethal devices, body armor, etc.) The "uniform of the day" should indicate whether officers should be in plain clothes appropriate to the area of operations or special "rough duty" gear.

TEAM IDENTIFICATION: Indicate the team designations (for example Team One, Team Two, Team Alfa, Team Bravo, etc.) by listing the officers assigned to each and the parent agency, if a multi-agency operation.

COMMUNICATIONS: List the method of communications as well as the hardware to be used in communicating between officers during the operation.

LAW ENFORCEMENT NOTIFICATION: If a law enforcement agency is not included in the operation but it is taking place in their jurisdiction a record of the notification must be made in this section. In the event of joint operation, this may be redundant.

EMERGENCY MEDICAL SERVICES: List the emergency medical facilities closest to the area of operations to ensure access to these facilities in the event of injury or illness of either the officers involved in the operation or the targeted fugitive.

DATE / TIME OF OPERATION: This section identifies the date and time of the planned operation. It also provides the location for providing any justification for conducting the operation during other than daylight hours. It includes signature blocks for the first line supervisor as well as the ADD. Approval by the ADD is only needed in the event of the operation being other than daylight hours, multi-jurisdictional operations, cases involving violent criminals or fugitives with criminal tendencies or cases where special weapons or uniforms are needed.

RESULTS: This section should be hand written on the original FOW as it will be an after action report and should appear on the signed FOW indicating supervisory approval.



U.S. Immigration
and Customs
Enforcement

JUL 19 2010

MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors

FROM: (b)(7)(C),(b)(6)

SUBJECT: Documentation of Consent to Enter and Search

Purpose

This memorandum establishes guidance for Detention and Removal Operations (DRO) officers regarding documentation of consent to enter and/or search a premise, or other constitutionally protected location, when consent is required in accordance with the Fourth Amendment.

Background

The Detention and Removal Operations mission promotes public safety and national security by ensuring the departure of all removable aliens from the United States through the fair and effective enforcement of the nation's immigration laws. During the execution of this mission, officers often possess only administrative arrest authorities pursuant to a Warrant for Arrest of Alien (I-200). As such, officers will often find themselves in circumstances requiring informed, voluntary consent to enter and/or conduct a search of a residence, vehicle or other constitutionally protected location in compliance with the Fourth Amendment.

Discussion

When consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent. The FOW shall be kept with other investigative case related materials for future reference. Also, if an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form I-213).

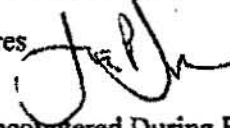
Additional inquiries, please contact the NFOP Unit (b)(7)(E) Grippo at (b)(7)(E) or email her at (b)(7)(E)



U.S. Immigration
and Customs
Enforcement

AUG 24 2007

MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Field Office Directors
Deputy Field Office Directors

FROM: John P. Torres
Director 

SUBJECT: Juveniles Encountered During Fugitive Operations

Purpose

This memorandum provides clarification to the Office of Detention and Removal Operations (DRO) Fugitive Operations Teams (FOT) who encounter U.S. citizen (USC) and Lawful Permanent Resident (LPR) juveniles during execution of enforcement initiatives targeting fugitive aliens.

Summary

The attached memorandum entitled "*ICE Transportation, Detention and Processing Requirements*" remains the binding guidance to Special Agents-in-Charge (SAC) and Field Office Directors (FODs) while conducting immigration enforcement operations. However, as a matter of policy, DRO FOTs should not take custody of or transport a juvenile (i.e. child under the age of 18) who is either a USC or LPR and who is not being processed for an immigration violation. FOTs, who encounter a fugitive alien responsible for the custody of a USC/LPR juvenile, must, in this order of preference, coordinate the transfer of the USC/LPR juvenile into the safekeeping of (1) the nearest child welfare authority; (2) local law enforcement; or if options (1) and (2) are inconsistent with operational requirements, then FOTs must (3) carefully document the fugitive alien's request for transfer of the USC/LPR juvenile into the safekeeping of a verifiable third party.

The use of the first two options is strongly encouraged. Child welfare authorities and local law enforcement are better suited for making determinations related to child custody matters. Even when the fugitive alien demands transfer to a third party, FOTs are to work through child welfare authorities or local law enforcement and defer to their transfer determinations. Under limited circumstances and only when specifically approved by their FOD, FOTs may temporarily safeguard USC/LPR minors.

To the greatest extent possible, FOTs should coordinate with child welfare authorities prior to arrest of fugitive alien parents. All DRO FOTs and FOT members must maintain a current and relevant list of contacts for such agencies.

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SUBJECT: Juveniles Encountered During Fugitive Operations

Page 2

If the child welfare authority and local law enforcement cannot respond in a timely manner, so as to jeopardize operational objectives, and the fugitive alien requests assistance in transferring safekeeping of the USC/LPR juvenile to a third party, FOTs should:

1. Document the inability of the welfare authority and local law enforcement to take timely custody of the minor;
2. Document in writing the fugitive alien's request to release the USC/LPR juvenile to an identified third party (preference is for the request in the fugitive alien's own handwriting);
3. Facilitate the fugitive alien's contact with the third party;
4. Verify the identity of the third party through government issued identity cards prior to transferring the USC/LPR juvenile into the safekeeping thereof; and
5. Forward copies of relevant documentation (inability of the welfare authority/local law enforcement to take timely custody of the USC/LPR juvenile) to the child welfare authority for further processing.

Where the child welfare authority and local law enforcement are unresponsive and the fugitive alien parent identifies no third parties, FOTs should seek guidance from their FOD through their chain of command.

In exigent circumstances, when all of the above options are unavailable, it is recommended that the sole care provider be placed on one of the Alternatives to Detention (ATD) programs available in the respective Field Office; all ATD processing should be done on site.

Questions regarding this policy should be addressed to (b)(6), (b)(7)(C) Deputy Assistant Director (DAD), Compliance Enforcement Division (CED) at (202) 616-(b)(7) or via e-mail at

(b)(7)(C), (b)(6)

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TRANSPORTATION CONSENT FORM
Department of Homeland Security
Immigration and Customs Enforcement

Know all men by these presents:

Whereas I, _____, give my consent for my child
(NAME)

_____ to be a passenger on DHS/ICE aircraft/vehicle
(NAME)

_____, I give my consent freely and entirely on my own initiative.
(TAIL/LICENSE NO.)

Signed: _____

Address: _____

Date: _____

Witness: _____
(NAME AND TITLE)



U.S. Immigration
and Customs
Enforcement

AUG 03 2007

MEMORANDUM FOR: Field Office Directors
FROM: *for* *John P. Torres*
Director
Office of Detention and Removal Operations (DRO)
SUBJECT: Delegation of Authority and Standardization of the National
Fugitive Operations Program (NFOP) Operational Plans

Purpose

This memorandum serves to delegate approval authority to Field Office Directors (FODs) for certain NFOP Operational Plans conducted within their Field Office Area of Operational Responsibility (AOR). In addition, this memorandum serves to establish the differences between Headquarters-driven (HQ) enforcement initiatives and those initiated at the Field Office level. This memorandum also serves to introduce a new standardized operational plan that supersedes the previous operational plan format.

Pursuant to this memorandum, all future Fugitive Operations Team (FOT) operations will be classified as either Field Office initiated operations or HQ-approved operations. Both Field and HQ operations will utilize the new HQ-generated standardized form-fillable operational plan. (See attached)

Standardized Operational Plan

The new standardized operational plan will be used in place of all other operational plan formats currently in use. This operational plan will be used for all HQ-approved and Field Office-initiated operations.

The standardized plan ensures that all pertinent areas of concern are addressed prior to the commencement of an operation. It establishes uniformity and consistency for the planning and implementation of DRO enforcement initiatives. The form-fillable feature is user-friendly and ensures that operational plans are accurate and complete.

At least two weeks prior to the commencement of all Field Office-initiated and/or HQ-approved operations, a copy of the operational plan must be forwarded to the Detention Operations Coordination Center (DOCC) for concurrence.

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~~LAW ENFORCEMENT SENSITIVE~~

HQ Approved Operations

HQ-approved operations shall include operations where (1) targeted enforcement actions extend beyond a Field Office's AOR; (2) a target or target list is expected to draw significant media or departmental attention, which, for example, may consist of operations concerning sensitive targets, a public official, a political candidate, or a religious or political organization, or requests made by foreign governments; or if (3) HQ generates and distributes target lists to FOTs and drives the planning of a large scale operational surge.

A copy of the signed operational plan indicating DOCC concurrence, for all operational plans meeting the above criteria must be forwarded to HQ via the HQDRO, FUGOPS mailbox, at least seven business days prior to the commencement of the operation.

For reporting purposes, all arrest statistics must be entered into FCMS as "HQ" Operations from the "Operation" drop down menu (i.e., "HQ Return to Sender", "HQ Cross Check", "HQ Secure Streets"). During a Headquarters approved operation, an Enforcement Activity Report (see attached) must be sent to the HQDRO, FUGOPS mailbox by midnight each day, reporting that day's arrests. In addition, an Enforcement Activity Report accounting for all arrests conducted during the operation must be sent to the HQDRO, FUGOPS mailbox at the conclusion of the operation.

As stated in the September 29, 2006, memorandum entitled, *Fugitive Case Management System Reporting and the 1,000 Arrest Annual Goal for Fugitive Operations Teams*, collateral arrests made during HQ-approved operations will continue to count toward the 1,000 arrest per team AOR goal.

Pre-operation Significant Prospective Action Reports (SPEARs), Assistant Secretary (AS) Notes or post-operation Significant Event Notifications (SENs) will not be required for HQ approved operations. AS Notes and SENs will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.

Field Office-Initiated Operations

Field Office-driven enforcement initiatives are those efforts conceived and driven at the local level, which target ten or more ICE fugitives per FOT per day. A local operational plan, utilizing the new standardized format, must be generated prior to the execution of the initiative. The authority to approve a Field Office-level operational plan is hereby delegated to the FOD.

All Field Office-initiated operations must be conducted under the auspices of Operation Return to Sender, Operation Secure Streets and Operation Cross Check. Operational plans generated and approved by the field, must take place within that Field Office's AOR.

A copy of the signed operational plan indicating with DOCC concurrence, must be forwarded to HQ via the HQDRO, FUGOPS mailbox, at least seven business days prior to the commencement of the operation.

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For reporting purposes, all arrest statistics must be entered into FCMS as "Field" Operations from the "Operation" drop down menu (i.e., "Field Return to Sender", "Field Cross Check", "Field Secure Streets"). During a Field Office-initiated operation, an Enforcement Activity Report must be sent to the (b)(7)(E) mailbox by midnight each day, reporting on that day's arrests. In addition, an Enforcement Activity Report accounting for all arrests conducted during the operation must be sent to the (b)(7)(E) mailbox at the conclusion of the operation.

As stated in the September 29, 2006, memorandum, only those Collateral arrests made during a HQ approved operation will count toward the 1,000 arrest per team AOR goal.

SPEARs, AS Notes, or post-operation SEN will not be required for Field Office-initiated operations. AS Notes and SENs will only need to be submitted if events or incidences occur that warrant their generation in accordance with established policy and procedures.

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~~LAW ENFORCEMENT S~~



**U.S. Immigration
and Customs
Enforcement**

JUN 19 2007

MEMORANDUM FOR: Field Office Directors
Deputy Assistant Directors

FROM: John P. Torres
Director

A handwritten signature in black ink, appearing to read "John P. Torres".

SUBJECT: Handguns Authorized for Carriage by Armed Officers of the
Office of Detention and Removal Operations (DRO)

The ICE Interim Firearms Policy authorizes armed ICE law enforcement officers to carry certain handguns that were defined therein. The interim policy authorized a wide array of firearms, but also permitted Directors to narrow the scope of personally owned weapons that will be authorized for their respective operations component.

Pursuant to the aforementioned provisions of the interim Firearms Policy, armed DRO law enforcement personnel are authorized to carry the following government or personally owned handguns in a configuration as specified by the NFTTU:

1. Glock 26 (9mm caliber)*;
2. H&K P2000SK LEM (.40 caliber)*;
3. H&K USP Compact LEM (.40 caliber);
4. H&K P2000 LEM (.40 caliber);
5. SIG Sauer P239 (.40 caliber)*;
6. SIG Sauer P229 (.40 caliber);
7. SIG Sauer P226 (.40 caliber);
8. Smith & Wesson 60, 340, 342, 360, 442, 637, 638 and 642 (.38+P, .357 caliber)*.

Sub-Compact/Secondary handguns above are noted with asterisks and are authorized for all armed DRO officers; however no more than one standard size handgun and one sub-compact/secondary handgun may be authorized for any officer.

In the event that armed officers, within your area of responsibility wish to place one or more of the approved firearms into service, please follow the procedures outlined in the *"Guide to Personally Owned Handguns Approved for Official Use"*, previously distributed by the National Firearms and Tactical Training Unit (NFTTU) in September 2004.

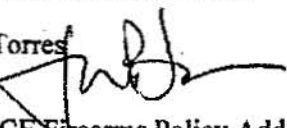
Should you have any questions concerning this authorization, please contact your local Senior Firearms Instructor who will clarify any questions through their NFTTU points of contact.



U.S. Immigration
and Customs
Enforcement

APR 23 2007

MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Field Office Directors
Deputy Field Office Directors

FROM: John P. Torres
Director 

SUBJECT: Interim ICE Firearms Policy Addendum Update: M-4 Rifle
Carriage Requirements for Fugitive Operations Personnel

Purpose

This memorandum updates the attached "DRO Addendum to Interim ICE Firearms Policy" memorandum dated July 11, 2005 by defining "requisite training" for carriage of the M-4 rifle by Fugitive Operations personnel.

Background

The July 11, 2005, memorandum authorized the issuance of shoulder-fired firearms to qualified Detention and Removal Operations (DRO) personnel who completed "requisite training." "Requisite training" was left undefined.

Discussion

The DRO addendum to Section 1.C.3 of the Interim U.S. Immigration and Customs Enforcement (ICE) Firearms Policy (in italics) is updated as follows:

Part 1. Authority to Carry Firearms

C. *Carriage of Firearms*

Firearms shall be carried only by an ICE officer, who meets the requirements in Part 1.B.

3. *ICE officers may be required to carry shoulder-fired and other specialized weapons as determined necessary by the respective operational component Director. Only firearms listed in Appendix 1 and approved by the respective operational component Director may be carried by ICE officers.*

Officers assigned to the National Fugitive Operations Program (NFOP) teams will, upon receipt of the requisite training, qualify quarterly on the identified shoulder-fired weapons system. DRO Field Office Directors (FODs) may require other officers within their Area of Responsibility (AOR) to familiarize or qualify on the identified shoulder-fired weapon system quarterly or as operational needs dictate.

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Subject: Interim ICE Firearms Policy Addendum Update: M-4 Rifle Carriage Requirements
Page 2

Requisite training is defined as the National Firearms and Tactical Training Unit (NFTTU) Colt M-4 Carbine Operator Training and the Tactical Sling Course, administered by an officer or agent who has successfully completed the NFTTU Rifle Instructor's Training Program (RITP).

Officers and agents who complete both the Fugitive Operations Training Program (FOTP) and the requisite M-4 training are authorized to carry the M-4 rifle or the derivations of this weapon described in the ICE Interim Firearms Policy. Authorization to carry this shoulder-fired weapons system will be immediately revoked if the officer or agent fails to maintain the minimum qualification score during quarterly qualifications. NFOP team members will be given only one additional attempt per quarter to qualify.

Officers and agents must adhere to the storage requirements for shoulder-fired weapons systems referenced in Section 6.C.7 of the ICE Interim Firearms Policy

(b)(7)(E)

Upon receipt of this memorandum, all FODs must provide a copy of this addendum to all relevant personnel. Any questions regarding this memorandum should be directed to

(b)(7)(C), (b)(6) Chief, HQDRO Fugitive Operations Unit.

Attachment: (1)

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U.S. Immigration
and Customs
Enforcement

JUL 11 2005

MEMORANDUM FOR:

(b)(7)(C),(b)(6)

FROM:

SUBJECT:

DRO Addendum to Interim ICE Firearms Policy

Purpose

This memorandum will set forth the policy clarifications required by the recently released Interim ICE Firearms Policy as it relates specifically to officer corps personnel under Office of Detention and Removal (DRO).

Background

On June 11, 2004, Assistant Secretary Michael J. Garcia signed the Interim ICE Firearms Policy which took effect on July 7, 2004. In order to ensure that a complete policy is made available the following addendum is being offered to clarify those points that were left to my discretion. Therefore, effective immediately, the Interim ICE Firearms Policy, along with the attached DRO Addendum, will supplant the Legacy INS Firearms Policy for all DRO field and headquarters operations.

Discussion

DRO Policy clarification of a selected section will be identified in bold type below.

Part 1 Authority to Carry Firearms

B. Authorized Officers

To carry firearms in the performance of their official duties, ICE officers must:

3. Have successfully completed the mandatory basic law enforcement training, including basic firearms training, required for their ICE specific job series and title or successfully completed a substantially equivalent training program approved by the Assistant Secretary through the Director of the National Firearms and Tactical Training Unit (NFTTU);

For the purpose of this section, that training includes the Immigration Officer Basic Training Course (IOBTC), the Border Patrol Academy (BPA), Immigration Detention Enforcement Officer Basic (IDEOB), the ICE Academy or the Immigration Enforcement Agent (IEA) Transition Course.

C. Carriage of Firearms

Firearms shall be carried only by an ICE officer, who meets the requirements in Part 1.B.

3. ICE officers may be required to carry shoulder-fired and other specialized weapons as determined necessary by the respective operational component Director. Only firearms listed in Appendix 1 and approved by the respective operational component Director may be carried by ICE officers.

For the purpose of this section, upon receipt of the requisite training, all officers within the DRO program will familiarize themselves, on an annual basis, with the standard ICE shotgun and M-4 rifle. The M-4 rifle requirement includes all derivations of the model, such as the AR-15A1/A2 and M-16A1/A2. Officers assigned to the National Fugitive Operations Program (NFOP) teams will, upon receipt of the requisite training, familiarize quarterly on either or both identified shoulder-fired systems, with an emphasis on qualifying. DRO Responsible Officials may require other officers within their areas to familiarize or qualify on either or both identified shoulder-fired systems quarterly as operational needs dictate.

4. The Directors of the operational components are designated by the Assistant Secretary to determine which of their ICE armed officers, as defined in Part 1.B, are authorized to carry an ICE-issued firearm(s) or approved personally owned handgun(s) during duty hours.

For the purpose of this section, those officers within the DRO program include Deportation Officers and Immigration Enforcement Agents who have successfully completed the IOBTC, the BPA, the IDEOB, the ICE Academy or the IEA Transition Course.

5. The following Directors of the operational components are designated by the Assistant Secretary to determine which of their ICE armed officers, as defined in Part 1.B, are authorized to carry an ICE-issued or approved personally owned handgun(s) during non-duty hours:

- b. Director of Detention and Removal Operations;

For the purpose of this section, those officers within the DRO program include Deportation Officers and Immigration Enforcement Agents who have successfully completed the IOBTC, the BPA, the IDEOB, the ICE Academy or the IEA Transition Course.

10. The Directors of the operational components are designated by the Assistant Secretary to determine which of their ICE armed officers, as defined in Part 1.B, are authorized to carry a secondary ICE-issued or approved personally owned handgun(s) listed in Appendix 1.

For the purpose of this section, those officers within the DRO program include Deportation Officers and Immigration Enforcement Agents who have successfully completed the IOBTC, the BPA, the IDEOB, the ICE Academy or the IEA Transition Course and assigned to the National Fugitive Operations Program. Any exceptions to this policy must be forwarded, in writing, to the Director. Approvals for any exceptions will not be delegated below the Director's level. Any other individual and/or group requests shall be forwarded to the Director through the appropriate chain of command via memorandum.

D. Flying Armed on a Commercial Aircraft

3. ICE Special Agents and other ICE law enforcement officers that are authorized to carry firearms while in a non-duty status includes the carrying of a firearm while traveling on a commercial aircraft while on non-official travel. This authority may be restricted by the Director of the respective operational component pursuant to Part 1.G.

For the purpose of this section, those officers within the DRO program include Deportation Officers and Immigration Enforcement Agents who have successfully completed the IOBTC, the BPA, the ICE Academy or the IEA Transition Course.

Appendix 1: ICE Approved Firearms and Intermediate Force Devices

- A. ICE officers, with the written approval of the respective Director of an operational component, are authorized to carry the following handguns in a configuration as specified by the NFFTU:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

(b)(7)(E)

IMPORTANT NOTE: ICE armed officers' primary and secondary pistols (semi-automatic) must be in the same trigger configuration (double action only/safe action or double-single). A process for transition from one configuration to another has been established through certification and coordination with the NFFTU.

IMPORTANT NOTE: The Beretta Model 96D and Smith & Wesson Model 6906 are no longer being purchased by the NFFTU. These models are being phased out of service.

For the purpose of this section, DRO officers are authorized to utilize a Sig Sauer handgun identified in .40 caliber. DRO officers are also authorized the use of the Smith and Wesson revolvers in .38 caliber as a backup weapon only. They may not be carried as primary duty weapons while in an on-duty status unless authorized by the Responsible Official for use in an undercover operation.

Additionally, for the purpose of standardization, DRO hereby adopts the Sig Sauer family of pistols. The Sig Sauer P-229 in 40. caliber will be the standard issue handgun for all officers entering on duty with DRO through the ICE Academy with the Sig Sauer P-239 in 40. caliber as the primary sub-compact pistol authorized for plain clothes/undercover use and the P-229 is authorized for uniform use or as an option for officers requiring a larger pistol.

There is no prohibition, other than availability, to the issuance of two ICE owned pistols. However, this requirement must comply with the standard set by the NFFTU regarding the trigger configuration of both pistols being the same.

FODs are directed to have their SFI's begin to replace any and all Beretta Model 96D Brigadier Service Pistols with the Sig Sauer P-229 as soon as the P-229 is available from the NFFTU Armory Operations in Altoona, PA.

- B. All authorized ICE officers are also authorized to carry the Remington 870 Police shotgun.
- C. ICE officers, with the written approval of the respective Director of an operational component, are also authorized to carry the following rifles and automatic firearms:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

(b)(7)(E)

- D. In addition to the firearms listed in paragraphs A, B and C, authorized ICE officers assigned to approved Special Response Teams and/or other designated Air and Marine Operations officers, with the written determination of the respective Director of an operational component, are authorized to use the following weapons:

- 1.
- 2.
- 3.
- 4.

(b)(7)(E)

For the purposes of this section, the DRO officers authorized to serve on approved Special Response Teams include Deportation Officers and Immigration Enforcement Agents who have successfully completed the IOBTC, the BPA, the IDEOB, the ICE Academy or the IEA Transition Course. These officers must be certified through the appropriate training programs.

- E. ICE officers, with the approval of their respective operational component, are authorized the following less-lethal devices:

- 1.
- 2.
- 3.

(b)(7)(E)

For the purposes of this section, the DRO officers authorized to use the listed less-lethal devices include Deportation Officers and Immigration Enforcement Agents who have successfully completed the IOBTC, the BPA, the IDEOB, the ICE Academy or the IEA Transition Course and have been certified through specific appropriate training in the use of the specified less-lethal device. These officers must maintain annual certification.

- F. ICE officers are authorized, with the approval of their respective Director of an operational component, to use the following intermediate force devices:

- 1.
- 2.
- 3.
- 4.
- 5.

(b)(7)(E)

For the purposes of this section, the DRO officers authorized to use the listed intermediate force devices, include Deportation Officers and Immigration Enforcement Agents who have successfully completed the IOBTC, the BPA, the IDEOB, the ICE

Subject: DRO Addendum to Interim ICE Firearms Policy
Page 6

Academy or the IEA Transition Course and have been duly certified in the appropriate intermediate force device. (Electronic defense modules/electro-muscular disruption devices may be added at a later date if an overriding requirement can be justified.)

Upon receipt of this memorandum all FODs will ensure that a copy of this Addendum will be provided to all effected officers. This will serve as the clarification to those points identified. A second Addendum to this Policy, specifically regarding Service Processing Center operations, is forthcoming. Any questions regarding this memorandum should be directed to (b)(7)(C), (b)(6) Sr., HQDRO Senior Firearms Instructor.

Approve/date _____ Disapprove/date _____

Modify/date _____ Needs more discussion/date _____

cc: Official file
HQDRO Chron file



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: All Field Office Directors *meel*
FROM: John P. Torres *John P. Torres*
Director
SUBJECT: Clarification of Utilization of Fugitive Operations Team Members

APR -4 2007

Purpose

This memorandum enhances the guidance provided in the December 3, 2003 policy memorandum entitled "Utilization of Fugitive Operations Team Members" regarding the appropriate use of Fugitive Operations Team members.

Discussion

Field Office Directors (FODs) must ensure that positions funded for fugitive operations are utilized towards aggressively pursuing the primary mission of the National Fugitive Operations Program (NFOP); identifying, locating, arresting and removing fugitive aliens so as to reduce the fugitive alien population in the U.S. In order to further the NFOP mission, FODs must limit the collateral assignments assigned to Fugitive Operations Team (FOT) members.

However, as ICE must ensure that the Department of Homeland Security's primary mission of protecting the borders and preventing future terrorist attacks is accomplished; ICE/DRO field offices are responsible for effectively utilizing and allocating all of its resources, to include the use of Fugitive Operations Teams for non-fugitive operations assignments. The FOTs, although primarily called upon to reduce the fugitive alien population, are also available to assist, when necessary, in ensuring the overall effective implementation of ICE missions and responsibilities. Therefore, in the interest of national security, FODs may allocate needed resources, to include FOTs, in order to accommodate a fluid, national agenda or to meet existing circumstances.

Please ensure that this guidance is acted upon immediately and disseminated to all Field Office personnel. If you have any questions, please contact (b)(7)(C), (b) Deputy Assistant Director, Compliance Enforcement Division, at 202-616 (b)(7)

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U.S. Immigration
and Customs
Enforcement

AUG 22 2006

MEMORANDUM FOR: All Special Agents in Charge
All ICE Attachés
All Field Office Directors

FROM: *SM* Marcy M. Forman *Real Red*
Director, Office of Investigations
John P. Torres *John P. Torres*
Acting Director, Detention and Removal Operations

SUBJECT: Use of Ruses in ICE Enforcement Operations

This memorandum serves as joint guidance on the use of ruses in criminal investigations and law enforcement operations. The use of ruses in law enforcement operations is an effective law enforcement tool that enhances officer safety. One main objective of a ruse is to prevent violators from fleeing and placing themselves, officers and innocent bystanders in a potentially dangerous situation.

However, the use of ruses utilizing the names of agencies and companies involved in the administration of health and safety programs can impede the functions of those organizations by creating a perception that these organizations are acting as an enforcement tool of ICE. The use of ruses involving health and safety programs undermines the efforts to increase safety in the workplace and undercuts workers willingness to report workplace safety violations based on a fear of law enforcement action being initiated against the reporting worker.

Pursuant to memorandums dated March 6, 2006, subject Use of Ruses in Enforcement Operations, the Offices of Investigations and Detention and Removal Operations discontinued the use of ruses involving health and safety programs administered by a private entity or a federal, state, or local government agency, such as the Occupational Safety and Health Administration (OSHA), for the purpose of immigration worksite enforcement. The cited memorandums require Assistant Secretary pre-approval of all other investigative enforcement actions requiring the use of a health or safety-based ruse, as well as appropriate coordination with the respective government agency or private entity.

This jointly issued memorandum reinforces the prohibitions and approval requirements outlined in the March 6, 2006, memorandums.

Questions on this matter from OI offices should be directed to Acting Deputy Assistant Director (b)(7)(C), (b)(6) at (202) 305 (b)(7) and from DRO offices to Deputy Assistant Director (b)(7)(C), (b)(6) at (202) 616 (b)(7)

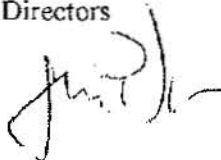
U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

MAR - 6 2006

MEMORANDUM FOR: Headquarters Divisions
All Field Office Directors

FROM: John P. Torres
Acting Director 

SUBJECT: Use of Ruses in Enforcement Operations

Purpose

This memorandum serves to provide additional guidance originally issued on August 15, 2005, regarding the use of ruses during arrest operations. This memorandum, with forthcoming updated policy directive, applies to all Detention and Removal enforcement operations. The use of ruses in the performance of U.S. Immigration and Customs Enforcement (ICE) law enforcement mission remains a valuable and effective tool. Ruses are used by virtually every law enforcement agency in the federal government. One of the main objectives of the ruse is to prevent violators from fleeing, thereby allowing for a safe arrest that does not place the violator, the arresting officer or innocent bystanders at risk.

Discussion

The use of a ruse during an arrest involves controlling the time and location of the encounter as dictated by ICE officers. Ruses may involve impersonating employment with other federal, state, local, or private entities. As outlined in the original guidance, it is still incumbent upon the arresting officers to provide prior notice to the affected entity. This notice affords the affected entity the opportunity to raise concerns regarding the affect the ruse may have on their security or public image. The point of contact with the proposed cover entity shall be the appropriate agency head authorized for giving concurrence. A memorandum to the file shall be prepared to document these discussions.

Any issues raised by the affected entity shall be forwarded within two working days to the appropriate Headquarters' Deputy Assistant Director. The Deputy Assistant Director, in consultation with the Office of Principal Legal Advisor, will consider the issues and provide guidance as appropriate.

In particular, ICE Headquarters has directed that the use of ruses involving *health and safety* programs administered by a private entity or a federal, state, or local government agency, such as Occupational Safety and Health Administration (OSHA), will be discontinued. All other ICE investigative enforcement actions requiring the use of a health or safety-based ruse must

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Subject: Use of ruse in Enforcement Operations
Page 2

be pre-approved by the Assistant Secretary of ICE and coordinated with the respective government agency or private entity.

Should you have any questions regarding this issue, please contact the Assistant Director for Operations or Chief of Staff at 202-303-(b)(7)(C)



U.S. Immigration
and Customs
Enforcement

JAN 31 2006

MEMORANDUM FOR: All Field Office Directors

FROM: John P. Torres
Acting Director 

SUBJECT: Fugitive Operations Case Priority and Annual Goals

Purpose

This memorandum supersedes the memorandum issued by Anthony S. Tangeman, dated January 22, 2004 that required that no less than seventy-five percent of all fugitive operation targets be classified as criminal aliens. Effective immediately, fugitive cases worked by the Fugitive Operations (FUGOPS) teams will be prioritized by threats posed by the fugitive alien. This memorandum also establishes a new target goal of 1,000 fugitive apprehensions/cases closed per FUGOPS team.

Discussion

The Office of Detention and Removal Operations (DRO) is responsible for apprehending and removing fugitive aliens from the United States. Apprehending fugitive criminal alien cases has always been, and will continue to be, one of the highest priorities for FUGOPS teams.

Policy

To further the enforcement mission of U.S. Immigration and Customs Enforcement, the FUGOPS teams will prioritize their fugitive cases according to the following standards:

- I. Fugitives that pose a threat to national security
- II. Fugitives that pose a threat to the community
- III. Fugitives convicted of violent crimes
- IV. Fugitives with criminal records
- V. Fugitives that are non-criminals

There will be no percentage quota for the types of cases to be worked. Fugitive cases at all priority levels are to be worked by the FUGOPS teams, but the higher priority cases take precedence.

HQDRO will work with Field Office Directors in identifying and implementing initiatives involving fugitive alien cases.

Additionally, the new annual target goal is 1,000 fugitive apprehensions/cases closed per FUGOPS team. Realizing that FUGOPS will make numerous collateral arrests of aliens in pursuing targeted fugitives, the collateral apprehensions will not count toward the target goal.

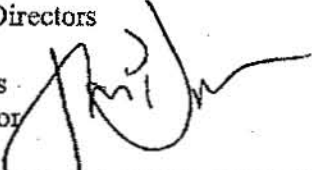
A policy directive regarding the memorandum will be forthcoming.



U.S. Immigration
and Customs
Enforcement

JAN 12 2006

MEMORANDUM FOR: Deputy Assistant Directors
Field Office Directors

FROM: John P. Torres
Acting Director 

SUBJECT: Reiteration of Data Entry Policy for the Deportable Alien
Control System (DACS)

The U.S. Immigration and Customs Enforcement, Office of Detention and Removal Operations (ICE/DRO) Technology Solutions Working Group was created by the Director of DRO to improve the capabilities of existing ICE/DRO information technology resources and to examine various ways to use information technology to improve operational performance. As part of this effort, the ICE/DRO Technology Solutions Working Group has been examining various technical solutions to achieving useful, reliable, and continuous reporting of critical information identified and captured throughout the apprehension, detention, and removal process.

One major focus for this DRO working group is to enable real-time dynamic reporting on statistics and metrics for events from apprehension through the detention and removal process for aggregate and individual aliens. The Department of Homeland Security (DHS) must be able to identify case outcomes associated with specific apprehensions. At present, not all apprehension data is entered into a common platform that can fully link apprehensions with case outcomes, thereby preventing accurate reporting of statistics.

The DRO working group is developing a proposed solution that creates a single integrated data source for providing information and metrics relating case outcomes to apprehensions. Integrated data will enable managers, at both the field and Headquarters level, to continually monitor and improve performance in the detention and removal process. The proposed solution will also improve the capability to meet the aforementioned reporting requirements. In the interim, means to improve reporting capabilities from the Deportable Alien Control System (DACS) are being developed to address these issues and relieve the field from utilizing homegrown applications and manual reporting methods.

SUBJECT: Reiteration of Data Entry Policy for the Deportable Alien Control Systems (DACS)

Page 2

Historically, DRO has been unable to provide reliable metrics from DACS due to incomplete and insufficiently detailed DACS data. Current DHS demands for data make timely and complete DACS data entry critical, and a key element in the success of the proposed Information Technology (IT) solutions. Reiterating current policy, DACS continues to be the single required official data source for DRO. All DRO personnel are mandated to completely enter all data fields in DACS, to ensure that data is available to both field and headquarters personnel.

As an example, the "DATE-TD-REQ" and "DATE-TD-REC" in the "CASS" screen are not currently mandatory fields. However, the Department's Secure Border Initiative requires a fuller understanding of each part of the detention cycle. Capturing this information will assist the Department, and more specifically DRO, in assessing and thereby reducing the average detention cycle time for the OTM (Other Than Mexican) population. This will enable DRO to more efficiently utilize its resources.

Both the executive and legislative branches will increasingly rely upon DACS information in the coming months. Timely and accurate entry of all information into DACS will be considered a very high priority. A mechanism to monitor DACS field usage, data integrity and completeness is being created to assist in managing and correcting data entry issues.

If you have any questions about the contents of this memorandum, please contact (b)(7)(C), (b)(7)(D) Acting Chief, IT and Program Analysis Branch at 202-732-(b)(7) or HQDRO staff officer (b)(7)(C), (b)(6) at 202-732-(b)(7)

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

JAN 5 2006

MEMORANDUM FOR: Field Office Directors
FROM: John P. Torres
Acting Director
SUBJECT: DRO Leads Intelligence Report Database

Purpose

Issuance of this memorandum is to announce the establishment of the Detention and Removal Operations (DRO) Leads Intelligence Report database, and to provide the necessary guidance directing all field offices to begin utilizing the DRO Leads Intelligence Report database effective January 1, 2006.

The DRO Leads Intelligence Report database is a web-based application located within the Significant Event Notification (SEN) application database system. It was developed to standardize DRO Intelligence reporting and source development mechanisms into a singular database accessible by all field offices and their respective facilities, to maximize the exploitation and sharing of intelligence information collected from ICE detainees and associated DRO operational activities.

Background

The importance of good intelligence can never be overemphasized in light of the world's climate that we now live, which necessitates we formalize our efforts to effectively manage the collection and dissemination of law enforcement information and intelligence within the DRO Program. We must ensure that all intelligence, developed or received, is evaluated and disseminated to the appropriate ICE operational entity, as it pertains to Homeland Security, infrastructure protection, criminal activities, and the illegal movement of people, money, narcotics and cargo entering, transiting or operating within our national borders.

Consequently, the DRO Leads Intelligence Report database was developed exclusively for DRO field offices and their respective facilities by establishing a centralized intelligence medium to collect, record, search, and disseminate intelligence leads emanating from DRO. Once the DRO Leads Intelligence Report database becomes operational, field offices will no longer be required to submit a G-392 Intelligence Report.

Intelligence reports generated by the DRO Leads Intelligence Report database will be automatically forwarded to the respective Field Intelligence Unit (FIU), and Special Agent In Charge (SAC), within their area of responsibility (AOR), for analysis to facilitate the transmission of meaningful intelligence to the Office of Investigations (OI), and strategic information to Department of Homeland Security (DHS), the Intelligence Community (IC), and other agencies as deemed appropriate.

www.ice.gov

Discussion

The DRO Leads Intelligence Report database provides a consulatory alignment capability for all DRO field offices and their respective facilities to transmit online informational reports that may constitute an intelligence and or law enforcement nexus to the FIU and SAC within their AOR for correlation, link assessment, and analysis through the existing SEN application database system. The FIU and or SAC will be responsible for transmitting any information deemed of significant intelligence and/or law enforcement value to the appropriate DHS entity for review and any actions that may be deemed appropriate.

Further, those DRO Lead Intelligence Reports deemed having an intelligence and or law enforcement nexus would ultimately be uploaded into (b)(7)(K) under program code (b)(7)(K) and into the ICE Intelligence Fusion web-site, making the information available to all Law Enforcement and Intelligence Agencies who have access to (b)(7)(K).

The following examples serve only as a suggestion to the types and nature of information that should be reported into the DRO Leads Intelligence Report database, and by no means is intended to limit or restrict information reported by field offices and their respective facilities if outside the parameters of the examples referenced below.

- Terrorist Ties, Associates, and Activities
- Gang Profiles, Culture and Activities
- Drug Trafficking
- Human Smuggling
- Money Laundering & Fraud
- Document Fraud
- Organized Crime, Membership and Activities
- Criminal Activities

To further enhance your intelligence reporting capabilities, the DRO Leads Intelligence Report database is equipped with a multiple file attachment feature and a reports function to review previously submitted DRO Leads Intelligence Reports.

The gathering and retrieval of reliable source information of an intelligence and or law enforcement value is critical to the overall effectiveness to orchestrate actionable means to ultimately prevent, intercept, and or disrupt acts of potential harm against the Homeland. As a program, DRO has a distinct advantage to gather and retrieve reliable source information through our detained alien populations, and our Fugitive Operations Teams, who interface daily with the local community and other agencies.

However, the DRO Leads Intelligence Report can only be utilized to transmit Law Enforcement Sensitive information and or low-level intelligence. If information is developed that requires national security classification such as Secret or Top secret, a paper (non-automated) DRO Leads Intelligence Report and classified modes of transmission must be used.

SEN Access & Registration

Access to the DRO Leads Intelligence Report database is restricted to Immigration Enforcement Agents (IEA), Deportation Officers (DO), and their respective supervisory ranks within DRO, whose access is subject to approval by the discretion of their respective Field Office Director (FOD).

Consequently, any DRO Officer who has been provided password web access to the SEN reports application database system, including the Significant Incident Report (SIR) and the Significant Prospective Enforcement Activity Report (SPEAR), will now have web access to the DRO Leads Intelligence Report without any additional requirement to issue a new password.

The designated field office security control officer (SCO) within each field office will be responsible for issuing passwords for access to the SEN database as approved by their respective FOD.

The URL address for the SEN Reporting Home page is <http://reporting.ice.dhs.gov>. All DRO SEN users will have a new menu option labeled DRO Reports. Clicking on that menu option will display a screen that will have a button to initiate a DRO Leads Intelligence Report.

However, each DRO user must access the SEN home page to log-in and edit their user profile by clicking the drop down menu labeled "ICE Component" to add "Detention & Removal" to identify themselves to the SEN database as a DRO user. After they have edited their DRO user profile, they will need to log out of the SEN application and re-login, in order for the DRO reports link to appear at the top of their SEN menu bar to access the DRO Leads Intelligence Report to generate an intelligence report. At this time, please disregard the button labeled "TAV Report", which will also appear at the top of the SEN menu bar. A separate memorandum will be forthcoming at a later date to announce the deployment and the database parameters of the TAV Report.

Once a DRO user has accessed the DRO Leads Report, the screen shot displays the DRO Lead Report itself, which is self-explanatory consisting of drop-down menus to select relative data associated with the type of informational report to be submitted. Please review the attached DRO Leads Intelligence Report User Guide, which will provide instructional guidance on how to complete and submit a leads report. Also, a DRO Leads Intelligence User Guide has been incorporated into the SEN database within the DRO Reports segment for easy reference.

It is imperative that you provide the widest dissemination of this memorandum within your respective field offices and facilities to ensure all officers within your AOR are fully aware of the DRO Leads Intelligence Report objectives and its usage.

Any questions regarding this policy and procedure should be addressed to either (b)(7)(C), (b)(7)(F) Staff Officer Intelligence Operations Unit at (202) 305- (b)(7)(C), (b)(6) Staff Officer Intelligence Operations Unit at (202) 732- (b)(7)(C). For any SEN technical application questions, please contact (b)(7)(C), (b)(7)(F) Orion Technical Staff at (202) 514- (b)(7)(C).

Attachment

DRO Leads Intelligence Report User Guide



U.S. Immigration and Customs Enforcement

AUG 28 2005

MEMORANDUM FOR: ALL FIELD OFFICE DIRECTORS

FROM: John P. Torres
Acting Director *[Signature]*

SUBJECT: Placement of Fugitive Cases into the National Crime Information Center's Immigration Violator File

Purpose

This memorandum restates the requirement of placing fugitive cases into the National Crime Information Center's (NCIC) Immigration Violator File (IVF).

Background

In August 2002, headquarters, Office of Detention and Removal Operations (DRO), promulgated the *Absconder Apprehension Initiative, Standard Operating Procedure* (AAI/SOP) pursuant to the direction received from the issuance of the Absconder Apprehension Initiative¹ (AAI), initiated by the Department of Justice, Deputy Attorney General in January of 2002. A large part of the AAI was to utilize the NCIC as a means to utilize assets from other federal, state and local law enforcement agencies (LEAs) as a force multiplier in the identification, location and apprehension of absconders/fugitives.

Part of the AAI/SOP established the protocol for sending cases to the Law Enforcement Support Center (LESC) for entry into NCIC. While the protocol for placement of cases into NCIC may have changed, the need to do so in a timely manner has not. Section II, Paragraph A of the AAI/SOP states:

¹ The AAI was divided into two separate and distinct phases. Phase One (AAI-1) was identified as that operation which dealt with an initial group of aliens from countries of special interest. The primary purpose of AAI-1 was to gather intelligence in the defense of our national security. AAI-1 was the responsibility of our Investigations Division. AAI, Phase Two (AAI-2) was the responsibility of DRO; its objective was to locate, apprehend and remove absconder aliens from the United States. AAI-2 was a part of the then INS' overall National Fugitive Operations Program which was designed to address the problem of locating, apprehending, prosecuting and/or removing aliens who have violated the nation's immigration laws. This includes the backlog of absconders, accrued over many years, of aliens with unexecuted deportation or removal orders.

Subject: Placement of Fugitive Cases into the National Crime Information Center's (NCIC)
Immigration Violator File (IVF).
Page 2

In order to avoid an increase in the backlog of AAI cases, district DRO officers shall attempt to locate and apprehend all aliens for whom a final order is received. If field units are unsuccessful in locating and apprehending the alien within 120 days of the date of the final order, the alien will be considered an absconder and the case will be sent to the LESC for NCIC entry in accordance with the procedures below. *Supervisors are reminded that the entry of a case into NCIC does not preclude officers from continuing attempts to locate the fugitive.*

A-files should be shipped to the LESC as soon as 120 days have elapsed from the date of the final order. However, A-files may be held for up to a week for batch shipment. Other extension requests will be considered on a case-by-case basis by the AAIC. For such cases, the Assistant District Director (ADD²) in charge of the program requesting the extension will prepare a memorandum to the AAIC setting forth the reasons for the request and specify a length of time required for the extension. An extension will only be granted by the AAIC for those cases in which the location and apprehension of the absconder is imminent. "Imminent" is to be interpreted as two weeks or less.

Discussion

The purpose for placing cases into NCIC has not changed. There is still a need to utilize the resources of other federal, state and local law enforcement agencies to assist in the identification, location and apprehension of absconders and fugitives. Cooperation with other LEA's creates a higher probability of a successful apprehension rather than returning the A-file to the shelf in the local field office when the officer has no further actionable leads.

Field Office Directors (FODs) should be cautioned against keeping fugitive A-files beyond the recommended time period. Each team has a target of closing a minimum of 500 fugitive cases per year. For teams whose officers have become adept at locating fugitives, this number could double. However, maintaining several thousand cases, on site, per fugitive team, is not a good practice and hampers the AAI concept of using other LEA's as a force multiplier.

Action

FODs will immediately conduct a review of all absconder/fugitive files in their offices in order to identify those cases that meet the requirements as indicated above in the AAI/SOP guidelines. The FODs will then determine based on the attached LESC "ICE/NCIC Warrant Entry Requirements," which A-files may be sent immediately to the LESC for entry into NCIC. Under no circumstances will an A-file be sent to the LESC that does not meet the attached requirements. Without exception, A-files will be up-to-date and complete prior to shipment. Additionally, for those cases where it is difficult to obtain the required information and documentation, the FODs will ensure that these cases do not languish. In these cases, the FODs may request assistance from the Fugitive Operations Support Center (FOSC)³ for assistance by telephoning (802) 660-5010. The FOSC may have access to databases and other resources, which can assist the FODs in this requirement. The FODs may

² The ADD referred to in this quote has been redesignated as the Field Office Director (FOD) under the current ICE/DRO organizational chart.

³ The FOSC is an operational component of the National Fugitive Operations Program, Headquarters, Fugitive Operations Unit. It is co-located with the LESC and will provide background and in-depth investigative checks for NFOP officers as well as any other ICE, CBP or outside law enforcement agency (LEA) officers who are conducting investigations or routine checks on suspected ICE fugitives. It also acts as a fusion center whereby analysts will combine leads from several sources and fuse them into workable field leads for the NFOP field teams.

Subject: Placement of Fugitive Cases into the National Crime Information Center's (NCIC) Immigration Violator File (IVF).

Page 3

divert clerical/administrative help from other areas in order to accomplish this task and are encouraged to assign general docket deportation officers to assist in the review of old cases that were part of their dockets, prior to shipment to the fugitive unit for action.

Any cases that fall within the period of time for shipment to the LESC and the local fugitive team believes still has leads to pursue, the FOD should direct that the A-file be copied and sent forward for entry into NCIC; with the work folder copy retained at the local office. Any documents generated after the A-file has been sent to the LESC, must be sent onto the LESC for inclusion in the A-file. If the FOD has a requirement for access to an A-file at the LESC, the FOD should contact the FOSC for assistance in obtaining the necessary documentation.

Any questions regarding this guidance can be directed to (b)(7)(C), (b)(6) Unit Chief of Fugitive Operations, in headquarters DRO, at (202) 353 (b)(7) or by email at (b)(7)(C), (b)(6)

Attachment:

ICE/NCIC Warrant Entry Requirements

ICE/NCIC Warrant Entry Requirements

Criminal Warrant (WPF) entries:

Required Documents for entry:

- Criminal Warrant for the subject needs to be provided, signed by a US Magistrate
- Copy of the Complaint and/or Affidavit
- Customs Form-59, if applicable
- (if available): I-213 / G 166 / I 166 (for identifiers, etc.)
- Fingerprints recommended but NOT required
- A 'Unique Identifier(s)' REQUIRED, i.e., (Clear Photo, Scars/Marks & Tattoos, etc.)

The A-File is not needed to enter a criminal warrant into NCIC, but if you have the A-file and will release it to us please send it FEDEX to the address below.

When using the CF59 select read only and you will be able to fill in the form with all pertinent information.

The CF59, Criminal Warrant and any other pertinent information can be faxed to the LEFC, NCIC Unit, Attention: NCIC Supervisor at (802) 872-6047. It may be easier to email the photo's and prints for clarity reasons to the supervisor on duty.

Mailing address:

Law Enforcement Support Center
188 Harvest Lane
Williston, VT 05495
Phone 802 872-**(b)(7)(C)**
Fax 802 872-6047

Note: If you cannot get through to our primary fax machine (802 872 6047), please send to our secondary fax(s) (802 288-1220/1222) and attention the fax to NCIC Supervisor.

Deported Felon (DFF) entries:

Subject must meet the following (2) two criteria:

1. FBI number
 2. Criminal Record
- Note: Must be an aggravated felon.

Field Office responsibilities:

- CIS and DACS will have been updated to reflect the deportation/removal.
- All INS databases will be checked for any unconsolidated A Files.
- All INS databases are complete, accurate, and up to date.
- The A-file has the necessary information:
 - o Completed I-205 (WITH PRINT) or related documentation(if available): I 213 / G 166 / I 166 Does not have to be the 'latest document' as long as one of these documents is in the A-File (for identifiers, etc.)
 - o I-166 Not a required document for record creation
 - o 10 Print Card Photo, if not already attached to the Removal Document

The LESC Communication Center responds to the 'Hits' for the entries in NCIC, therefore the A-file is required for on-site Hit Confirmation by the Special Agent on duty and CODING (entry) into NCIC as stated above. The LESC must have the A-file for this entry, please Fedex the file to the LESC attention NCIC Unit.

Please find the attached CF59 that should be attached to the front of the A-file jacket. This same worksheet is also used for any modifications and/or CLEAR requests:

(Same Form As Above)

When using the CF59 select read only and you will be able to fill in the form with all pertinent information.

Mailing address:

Law Enforcement Support Center
188 Harvest Lane
Williston, VT 05495
Phone - 802 872- (b)(7)(C)
Fax 802 872-6047

Note: If you cannot get through to our primary fax machine (802 872-6047), please send to our secondary fax(s) (802 288-1220/1222) and attention the fax to NCIC Supervisor.

Absconder (AAI) entries:

Field Office responsibilities:

- All INS databases will be checked for any unconsolidated A-Files.
- All INS databases are complete, accurate, and up to date.

Administrative:

- I-205 signed on front, indicating removal was ordered(if available): I-213 / G-166 / I-166 (for identifiers, etc.)

- I-166 Not a required document for record creation
- 10 Print Card
- Photograph(s)

The LESC Communication Center responds to the 'Hits' for the entries in NCIC, therefore the A-file is required for on-site Hit Confirmation by the Special Agent on duty and CODING (entry) into NCIC as stated above. The LESC must have the A file for this entry, please Fedex the file to the LESC attention NCIC Unit.

Please find the attached CF59 that should be attached to the front of the A-file jacket. This same worksheet is also used for any modifications and/or CLEAR requests:

(Same Form As Above)

When using the CF59 select read only and you will be able to fill in the form with all pertinent information.

Mailing address:

Law Enforcement Support Center
188 Harvest Lane
Williston, VT 05495
Phone 802 872-6047
Fax 802 872-6047

Note: If you cannot get through to our primary fax machine (802 872-6047), please send to our secondary fax(s) (802 288-1220/1222) and attention the fax to NCIC Supervisor.

A-File Information:

All A Files MUST BE FORWARDED to the Law Enforcement Support Center for CODING (entry) of Deported Felon (DFF) and Absconder (AAI) records into NCIC.

If your office needs copies of any information from the file to continue with your local investigation, it is suggested that a Work Folder be created.

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



U.S. Immigration and Customs Enforcement

AUG 10 2005

MEMORANDUM FOR: ALL FIELD OFFICE DIRECTORS

FROM:

John P. Torres
Acting Director
Detention and Removal Operations

SUBJECT:

Mandatory Data Checks for Detention and Removal Arrests

In an effort to enhance operational integrity and officer safety, U.S. Immigration and Customs Enforcement (ICE) Detention and Removal Operations (DRO) personnel will conduct data checks in the (b)(7)(E) prior to any enforcement activity.

The ICE Office of Investigations (OI) utilizes the (b)(7) Case Management (CM) module for processing investigative cases. This module allows OI to open cases, write Reports of Investigations, input and link subject records, complete Search/Arrest/Seizure Reports, and create Significant Activity Reports.

To ensure that DRO Officers are aware of potential existing criminal investigations, DRO personnel are requested to implement the following de-confliction guidance:

- DRO personnel will perform, in advance of any enforcement operation, a (b)(7)(E) check on all known primary and collateral targets, and will annotate that the check was completed on the fugitive operation worksheet.
- DRO personnel will also perform a (b)(7) Subject Address Query (SQAD) check, on all known primary and collateral addresses and will annotate that the check was completed on the fugitive operation worksheet.
- If a (b)(7)(E) record match is identified, DRO will contact the record owner to ensure appropriate de-confliction.
- ICE Special Agent in Charge (SAC) and ICE Field Office Director (FOD) should coordinate de-conflictions with other law enforcement entities when necessary and appropriate.

Any questions regarding this guidance can be directed to (b)(7)(C), (b)(6) Unit Chief of Fugitive Operations, in headquarters DRO, at (202) 353 (b)(7) or by email at (b)(7)(E)



U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: ALL FIELD OFFICE DIRECTORS

FROM: John P. Torres
Acting Director
Detention and Removal Operations

SUBJECT: Mandatory Data Checks for Detention and Removal Arrests

In an effort to enhance operational integrity and officer safety the following guidance on de-confliction, as it relates to arrests made by Detention and Removal personnel, will be adhered to.

De-Confliction:

- OI will ensure that all targets/addresses related to active cases are entered timely into (b)(7)(E)
- DRO will perform an (b)(7)(E) query on all addresses known in advance and collateral addresses when practicable, and annotate the fugitive operation worksheet that the check was completed.
- DRO will perform an (b)(7)(E) query on all targets known in advance and collateral targets when practicable, and annotate the fugitive operation worksheet that the check was completed.
- DRO will contact the record owner to ensure appropriate de-confliction, if a record match is found.
- In the event of a silent notification, it will be the responsibility of the record owner to notify the querying official for de-confliction purposes.
- SACs and FODs should coordinate de-conflictions with other law enforcement entities, when necessary and appropriate.

Any questions regarding this guidance can be directed to (b)(7)(C),(b)(6) Unit Chief of Fugitive operations in headquarters, (202) 353 (b)(7)(C), (b)(6)



U.S. Immigration and Customs Enforcement

MAY 3 2005

MEMORANDUM FOR:

(b)(7)(C), (b)(6)

FROM:

SUBJECT:

Enterprise Information Sharing Agreements for the
Deportable Alien Control System (DACS)

Purpose

To provide Points of Contact (POC) to interface with law enforcement entities within other government agencies who will be using DACS on a "Look Only" basis in support of identifying wanted fugitive aliens on their rolls.

Background

The Office of Detention and Removal (DRO) has long attempted to gain a working relationship with other federal government agencies that have contact with aliens on a daily basis for the purpose of identifying those who are in the United States in violation of the immigration laws. As a first step in that relationship, DRO has executed Enterprise-level Interconnection Security Agreements (ISA) with the United States Attorney's Office, United States Marshals Service and the United States Courts to provide these agencies with real-time, look-only access to the ICE Deportable Alien Control System (DACS).

Discussion

The ISA information-sharing agreements will enable selected agency employees to obtain DACS access from their desktop computers. This will provide them with quick access to information on the arrest, detention, and deportation of illegal aliens under the authority of ICE.

FUGOPS has divided the 94 United States Judicial Districts into 23 prioritized groups in order to facilitate DACS deployment and training. Many of the details regarding technical access and training are still being developed and are near completion. To help with the deployment of DACS to these agencies, you are asked to appoint an ICE POC to serve as the DACS training coordinator for each district within your jurisdiction. The ICE POC will coordinate with the agency POCs and assist them during the training phase of this initiative. ICE POCs will be provided with DACS-related

Subject: Enterprise Information Sharing Agreements for Deportable Alien Control System (DACS)
Page 2

training material and will be expected to address DACS content issues at an initial training session and on a follow-up basis. ICE POCs will not be required to address technical access or password administration issues.

Action

FODs are directed to provide the following contact information for the DACS POC:

1. Field Office Location
2. POC Name
3. Title
4. Phone Number
5. E-mail address

This information should be forwarded to (b)(7)(C),(b)(6) via e-mail at (b)(7)(C),(b)(6) no later than May 20, 2005.

FODs are to review the attached listing of the U.S. Judicial Districts and ensure that all districts are covered by a POC. FODs are required to provide a POC for each individual judicial district¹. Any questions regarding this initiative may be directed to (b)(7)(C),(b)(6) Chief, Fugitive Operations Unit at (202) 353-(b)(6) or electronically at (b)(7)(E)

Attachment

¹ However, Miami may provide a single POC to cover all three Judicial Districts in Florida; Philadelphia may provide a single POC for all three districts in Pennsylvania, and so forth.



**U.S. Immigration
and Customs
Enforcement**

MEMORANDUM FOR: All Field Office Directors
Deputy Assistant Director for Field Operations

FROM: (b)(7)(E)
Acting Director

SUBJECT: Addition of Chapter 19, Section 13 (Fugitive Operations Insignia, Uniforms and Equipment) of the Detention and Deportation Officers Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 13, Chapter 19. Accordingly, the DDFM is changed as follows:

19.13 Fugitive Operations Insignia, Uniforms and Equipment

I. BACKGROUND

The use of distinctive insignia and uniforms to identify members of a particular group is as old as mankind. Some of the first recorded uses of distinctive insignia and uniforms can be traced to the time of the Roman Empire when flags and staffs marked various legions and their units. The development of flags for the purpose of identifying particular countries became prominent when men took to sailing ships and began to explore the world.

In modern times distinctive insignia and uniforms have been used to identify not only that a person was a member of a particular military unit but also a units of larger units. Within many law enforcement agencies various divisions and programs develop and use a distinctive insignia. These insignia and uniforms serve to not only identify what a particular division or program does to members of an agency but also to the general public. They also serve the vital function of improving morale and establishing an *esprit de corps* that serves the unit well in good times as well as bad.

Recognizing the many positive benefits that come with a unit insignia and uniforms, and the high priority placed on Fugitive Operations (FUGOPS) by the Assistant Secretary U.S. Immigration and Customs Enforcement and Detention and Removal's Strategic Plan (**ENDGAME**), the Director of Detention and Removal (DRO) directed Chief, Fugitive Operations Unit (FugOps) to develop an insignia and a uniform for the National Fugitive Operations Program. In the January/February 2004 issue of **The Fugitive Operations Newsletter**, a contest was announced and all members of DRO were asked to submit

Addition of Chapter 19, Section 13 (Fugitive Operations Insignia, Uniforms and Equipment) of the DDFM

Page 2

proposals for an insignia. From the submissions four candidates were selected and an e-mail was sent to all Field Office Directors asking them to forward to their officers the nominated selections and requesting that all officers vote on their choice. After a tally of the votes the final selection was submitted to the Director, DRO for approval.

II. POLICY

Effective immediately the insignia for the National Fugitive Operations Program is approved for use by the Fugitive Operations Branch, Immigration and Customs Academy, Detention and Removal Fugitive Operations Training Program (FOTP), Headquarters DRO designated Fugitive Operations Teams (FOT) and those officers who have successfully completed the FOTP. The insignia shall consist of the following:

"A white knight's chess piece to symbolize the strategy we use in targeting and locating the fugitive. The knight's movement across the board signifies the indirect path taken to reach the targeted fugitive as well as the unknown direction from which we assail. The white knight also denotes the integrity and honor with which our officers serve. The lightning bolt symbolizes the speed with which we strike; the Roman gladius, our strength and power. The motto, "Ne Quis Effugiat" (We Exist So None Will Escape) stands for our dedication and resolve."

The insignia will not be placed on raid jackets but may be used on specific uniform items, in reports, training materials, signage, challenge coins and other items as directed by the Director, DRO. With respect to challenge coins only those officers who have successfully completed the newest (FY2003 and up) version of the FOTP will be allowed to possess and display a FUGOPS Challenge Coin. Only those persons nominated by Chief FugOps, and the Senior Training Operations Supervisor [TOS (Deportation)] and approved by the Director, DRO may receive and possess the FUGOPS Challenge Coin. A representation of the Fugitive Operations insignia is found at Attachment 1.

Also, officers, whether they are part of a National Fugitive Operations Program (NFOP) designated fugitive team, a Field Office Director (FOD) designated fugitive team or simply a group of officers conducting a fugitive operation, shall all wear clothing and equipment that provides for easy and common identification.

Uniform items identified in this chapter, will be provided as part of the ICE uniform contract. Officers assigned to the NFOP designated fugitive teams will be provided a yearly uniform allowance for the purpose of obtaining and maintaining the appropriate equipment. FOD designated teams may be provided uniform allowances at the discretion of their FOD, or may have specific uniform items purchased and issued utilizing the FOD's discretionary funds.

Recommended personal and office/team equipment listed in this chapter for NFOP designated teams will be provided by HQ FugOps as funding allows. This in no way restricts individual NFOP teams from recommending changes and/or additions to the lists found herein.

Addition of Chapter 19, Section 13 (Fugitive Operations Insignia, Uniforms and Equipment) of the DDFM

Page 3

Body armor shall be worn during **all** operations where an arrest is possible. When conducting discrete operations it should be worn under an unmarked shirt or jacket. When identification is required for officer safety it should be worn in its tactical vest configuration or under a marked ICE raid jacket. It will be up to the discretion of the supervisor/TL to authorize any exceptions to this rule, recognizing that there are rare circumstances when the use of body armor may actually jeopardize rather than enhances officer safety during an operation. This exception must be approved and noted on the Fugitive Operations Worksheet.

Business attire is not appropriate for use outside of the immediate office environment unless it is for supervisors conducting upper level meetings for liaison purposes. Business attire does not provide our officers anonymity when conducting investigative interviews as it draws attention to them unnecessarily.¹

III. PROCEDURE (Insignia)

Officers who successfully complete the newest version of FOTP will be awarded one coin upon graduation. The TOS (Deportation) is charged with maintaining the roster of all graduates of FOTP. Officers who lose their coins must submit a memorandum through channels to the Chief, FOB. The memorandum must state the circumstances surrounding the loss of the officer's coin and steps taken to recover the coin.

Officers who wish to nominate officers or agents of agencies who have provided material and substantial support to the FUGOPS program at any level must submit a memorandum through the chain of command to the FOB Chief. That memorandum must state the type and level of support provided by a nominated individual.

The insignia may be reproduced on shirts, caps, posters, flags and other items as deemed appropriate by the Director, DRO. Chief FOB shall format the wanted poster computer program to allow for the display of the insignia on **ICE Most Wanted Program** posters.

Field Offices conducting press briefings are encouraged to display the insignia along with appropriate Department of Homeland Security (DHS) branding items. When displayed with DHS emblems, the FUGOPS insignia will also be placed in a proper senior to subordinate relationship.

IV. DISCUSSION

Supervisors and team leaders (TLs) involved with coordinating fugitive operations will have the discretion to determine what dress attire is appropriate for a particular operation. This

¹ The concept of business attire is outdated inasmuch as the general population where our officers will be conducting their investigations are, for the most part, rarely wearing anything but casual or blue collar work clothes. This is obvious from the business attire standard set by the Federal Air Marshal program whereby FAMs are readily identified as officers despite their need to remain anonymous. Business attire is to be restricted in its use as much as possible for the safety of our officers.

authorization must be provided and approved in advance on the Field Operations Worksheet. (Link to Chapter 19.5)

All personnel involved in fugitive operations must be able to quickly identify themselves as law enforcement officers, e.g. neck badges, belt badges, tactical body armor carriers, ball caps, windbreakers/jackets (operational jackets colloquially called 'Raid Jackets') with authorized insignias, badges, and titles as specified under ICE branding requirements.

V. OFFICER CLOTHING/UNIFORMS

The following are various alternative models of attire for conducting effective and safe fugitive operations activities:

- Plain clothes (appropriate to the geographical area in the officer is to operate);
- Standardized uniform [BDUs, cargo pants, tactical polo or tactical shirt with Fugitive Operations insignia, plain black duty belt (leather or synthetic) with accessories, body armor].

The following standardized uniforms are authorized for:

NFOP teams conducting:

Low-Level (Non-tactical Operations):

- Black Uniform shirt (tactical shirt or tactical polo design) with Fugitive Insignia;
- Khaki cargo pants;
- Black windbreaker jacket with ICE Insignia;
- Black ICE ball cap;
- Plain black duty belt (leather or synthetic) with accessories;
- Radio and/or cell phones with two-way radio capability;
- Body armor in black tactical carrier (Level IIIA ballistic minimum with stab-resistant panels).

Tactical/High-Risk Warrant Service Operations:

- Black BDUs with subdued insignia;
- Tactical duty/gear belt/vest with accessories;²
- Black ball cap with subdued lettering or helmet, as required;
- Radio and/or cell phone with two-way radio capability;
- Body armor in black tactical carrier (Level IIIA ballistic minimum with stab-resistant panels).

² See chart under Section VII for accessories.

FOD designated teams or non-designated officers conducting:

Low-Level (non-tactical operations) will wear the same uniform and equipment as the NFOP teams.

FOD designated teams and non-designated officers are not authorized to conduct tactical operations.

VI. VEHICLES

HQ FugOps is responsible for designating the vehicle requirements for the NFOP designated fugitive teams. They will work with the HQDRO Fleet Management to set the standard for fugitive operations.

The most desirable vehicles are those that do not look like police type vehicles yet are large enough to transport prisoners. Since fugitive operations generally take place at the home or workplace of an alien, vehicles that are common to an area would be most suitable. For example, in one part of the country pick-up trucks or sport utility vehicles (SUVs) are the accepted norm. In another part it could be that sedans or minivans are the vehicle of choice in that area.

In yet another area, the use of a police type vehicle may enhance an operation. The logic here is that the target may be engaged in a criminal enterprise that he ceases to conduct with a police type vehicle around. However the target may not suspect that he is the subject of a fugitive operation. This could allow you to simply walk up and engage him in a conversation without his being aware of your intent.

Such vehicles could also be utilized as surveillance vehicles with a marked transport vehicle being called in after the arrest is made.

Below is a list of non-police type vehicles that should be considered for fugitive operations:

- Cargo vans or delivery type vehicles;
- Mini-vans outfitted as a family vehicle;
- SUVs (Various sizes, makes, models);
- Pick-up trucks with or without a camper shell;
- Standard full size 4-door sedans.

Suggested list of 'camouflage' that might be employed on these vehicles:

- Child safety seats;
- Roof racks;
- Hunter type light bars;
- Non-standard (custom) rims and tires;
- Removable (magnetic) signs with fictitious business names;

- Other props that will enhance the vehicles camouflage.

Common fugitive operations vehicle equipment:

- ICE secure radio with covert antenna;
- Covert emergency lights w/siren (consistent with local or state laws governing law enforcement vehicles);
- Comfortable seats (bucket type in front seat area only);
- Firm suspension;
- Cell phone plug-in;
- Rechargeable flashlight;
- Additional leg irons, belly chains, handcuffs and/or flexcuffs w/cutters;
- Concealable rifle/shotgun rack/security box;
- 12 X 18 clear ballistic shield.

VII. OFFICE EQUIPMENT

Each office should maintain a certain level of equipment that can be checked out or otherwise used by officers on an as needed basis. That equipment may include:

- Night-vision binoculars with minimum 6X magnification;
- CD-ROM mapping program of the operational area;
- CD-ROM reverse check program;
- Wanted poster database with computer storage and creation/reproduction capability;
- Armory with storage for shoulder weapons and ammunition;
- ICE secure net radio base station capable of supporting the area of operations;
- Extra supplies of restraints, i.e. handcuffs, belly chains, leg irons, flexcuffs.

VIII. FIRST AID

Pursuant to (b)(7)(E) (Fugitive Operations Training Requirements) each team must have an officer trained as a Tactical Emergency Medical Technician. As such, each NFOP team shall maintain emergency medical and Cardio Pulmonary Resuscitation (CPR) equipment appropriate to the level of training provided by that program.³ Additionally, pursuant to prior HQDRO directive, FODs are to ensure that all DRO officer corps personnel are required to be trained and/or re-certified in basic first aid.

³ HQ FugOps has provided a first aid kit, with Qwik Klot packs for serious gunshot wounds, to each NFOP team. Supervisors are responsible for ensuring that used and expired items from the kit are replaced as necessary.

IX. OFFICER ASSIGNED EQUIPMENT

The following is a recommended list of personal equipment for each officer assigned to NFOP teams:

UNIFORM ISSUANCE		
ITEM	PART NUMBER	AVAILABLE VENDOR
BDU, tactical shirt (Black) 65/35 Combat Cloth	BTS03	Brigade Quartermaster
BDU, trouser (Black) 65/35 Combat Cloth	BRT03	Brigade Quartermaster
Eagle BDU trouser belt	EA1-BDU	Safety Systems*
Combat Style Boots	Ft Lewis 291101 (male)	VF Solutions+
Boot Socks	7791	VF Solutions+
ICE Ball Cap		New Era
Royal Robbins, 5.11 Tactical Series Polo Shirt, short sleeve (Black) w/Fugitive Operations Logo		VF Solutions+
Royal Robbins, 5.11 Tactical Series Polo Shirt, long sleeve (Black) w/Fugitive Operations Logo		VF Solutions+
Royal Robbins, 5.11 Tactical Series Polo Shirt, short sleeve (Black) w/ICE Badge Logo		VF Solutions+
Royal Robbins, 5.11 Tactical Series Polo Shirt, long sleeve (Black) w/ICE Badge Logo		VF Solutions+
Royal Robbins, 5.11 Tactical Series Shirt, short sleeve (Black) w/Fugitive Operations Logo		VF Solutions+
Royal Robbins, 5.11 Tactical Series Shirt, long sleeve (Black) w/Fugitive Operations Logo		VF Solutions+
Royal Robbins, 5.11 Tactical Series Shirt, short sleeve (Black) w/ICE Badge Logo		VF Solutions+
Royal Robbins, 5.11 Tactical Series Shirt, long sleeve (Black) w/ICE Badge Logo		VF Solutions+
Royal Robbins, 5.11 Tactical Series Cargo Pants (Khaki)		VF Solutions+
Royal Robbins Vest, 5.11 Tactical Vest (Khaki)		VF Solutions+

General Operational Equipment		
ITEM	PART NUMBER	AVAILABLE VENDOR
Laptop computer or PDA with dial in capability and connectivity to DACS, CIS, NCIC, etc		ICE Issue
Cell phone preferably with two-way radio type capability		ICE Issue
Pager (optional with cell phone)		ICE Issue
Binoculars, minimum 7 X 35		
Clip-board/write-up box		Galls, Inc
Service Radio, Motorola	XTS-5000	ICE Issue
Tactical Throat Mic/Ear piece	V1-T12MA117	Otto Communications
Covert /Undercover Mic/Ear piece	V1-10381	Otto Communications
Adapter, Transcrypt Stealth	V1-10335	Otto Communications
Individual Battery Charger		ICE Issue

Addition of Chapter 19, Section 13 (Fugitive Operations Insignia, Uniforms and Equipment) of the DDFM

Page 8

Tactical/Operational Equipment		
ITEM	PART NUMBER	AVAILABLE VENDOR
Eagle Break-Out Kit Bag	EA1-TA-1202	Safety Systems*
Eagle Tactical Duty Belt	EA1-DB	Safety Systems*
Eagle Tactical Holster	EA1-SMK6	Safety Systems*
Eagle Tactical Duty Belt Mag Pouch	EA1-DMP-3A	Safety Systems*
Eagle Tactical Duty Belt Cuff Case	EA1-DCP-2	Safety Systems*
Eagle Tactical Duty Belt Radio Pouch	EA1-RP-MB/IR	Safety Systems*
Eagle Tactical Duty Belt Baton Pouch	EA1-DCBP6/INS/RUB	Safety Systems*
Helmet	PSAGT	UNICOR+
Helmet Cover, Black	KHC0304	Brigade Quartermaster
Helmet Cover Band, Black	KHB1	Brigade Quartermaster
Tactical Goggle	ES1-ESS01BK-CAM	Safety Systems*
Tactical Gloves	HA2-SOG-L50/L	Safety Systems*
Hydration System	CA4-76000	Safety Systems*
Eagle Tactical Vest	EA1-TAC-V3/D/RH	Safety Systems*
Tac Vest Rifle Mag Pouch (two 223 mags)	EA1-P-223-2-MAG	Safety Systems*
Tac Vest Rifle Mag Pouch (four 223 mags)	EA1-P-223-4-MAG	Safety Systems*
Tac Vest Pistol Mag Pouch (three mags)	EA1-P-PISTOL-3-MAG	Safety Systems*
Tac Vest Shotgun Shell Pouch	EA1-P-12GA-SHOTGUN	Safety Systems*
Tac Vest Utility Pouch	EA1-P-UT	Safety Systems*
Tactical Mirror	52470	ASP
Soft Body Armor, Ballistic/Stab Resist w/Black Tactical Shell	Monarch +P+, Level 3A	Second Chance**
ICE Raid Jacket		ICE Issue
Surefire Z2, Tactical Flashlight	SU1-Z2-BK	Safety Systems*
120lumen bulb accessory	SU1-P61	Safety Systems*
Tactical Flashlight Holster	SU1-V70	Safety Systems*
Knife	EEC99-CQC7 B Wave	Emerson***
Millennium Chem/Bio Gas Mask	10007424/7423/7422	MSA*
Voice Amplifier	10026265	MSA*
Canister, full spectrum (Box of 6)	10011890	MSA*
Eagle Gas Mask Bag	EA1-SAS-GMP	Safety Systems*

* GSA Contract Price

** Available under ICE Blanket Purchase Agreement

*** Government Pricing from Company

+ Mandatory Vendor

X. FIREARMS

In addition to the issued service pistol and authorized backup pistol, members of the NFOP teams will have available the following firearms. Team members will be authorized to draw and carry these weapons only after having successfully completed a recognized course of training and demonstrating quarterly qualification proficiency with the weapon. The weapons include:

• (b)(7)(E)

Four per team
Four per team

Addition of Chapter 19, Section 13 (Fugitive Operations Insignia, Uniforms and Equipment) of the DDFM

Page 9

This list of weapons is not exclusive. The ICE Firearms Policy, upon issuance, will govern any NFOP teams that qualify as Special Response Teams. Also, any additional ICE policies governing the carriage and use of firearms will take precedence over the choice of weapons that may be carried by NFOP officers.

XI. COMMENTARY

Authorization to purchase the above safety and identification equipment for officers participating in fugitive operations is contained in 5 USC § 7903.

Uniforms and equipment are merely tools designed to aid the officer in accomplishing the mission. However nothing can take the place of good, old-fashioned imagination. Devising methods to observe and get close enough to a target to effect and arrest can often be more valuable than any high-tech piece of equipment.

cc: ICE Academy – Deportation Officer Training

NFTTU, Director

Official file

HQDRO Chron file

ICE:HQDRO (b)(7)(C),(b)(6) 1:09/27/04; revised 04/22/05.



U.S. Department of Justice
Immigration and Naturalization Service

HQOPS 50/12.8

Office of the Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

SEP 23 2002

(b)(7)(E)

SUBJECT: National Fugitive Operations Program Policy and Procedure

On February 25, 2002, this office issued a memorandum directing the Headquarters Office of Detention and Removal (HQDRO) to provide a Standard Operating Procedure (SOP) as field guidance for their National Fugitive Operations Program (NFOP). The attached SOP relates solely to the Detention and Removal Operations NFOP and is effective immediately. It replaces and supercedes all previously issued versions of policy and procedures and field directives relating to the location and apprehension of fugitives. While field offices should augment this SOP with additional procedures that are specific to their office's operating needs, they may not, in any way, conflict with the NFOP policy.

The mission of locating, arresting, and removing fugitive aliens from the United States will be carried out in a safe, humane and legal manner. Training and supervisory oversight is critical in ensuring that the Service's mission is carried out consistently. The attached guidance is to be distributed to all Detention and Removal Operations (DRO) personnel or any other personnel assigned to duties under the auspices of the NFOP. Following the preparation of local policy guidance and examples specific to your district, this SOP should be discussed during in-service training.

This SOP is intended to reinforce existing regulations and policies (e.g., National Detention and Transportation Policy, AM Section 20.012, Headquarters Juvenile Protocol Manual) and reporting procedures for circumstances (e.g., Critical Incidents, Matters Involving Juveniles, Cross-gender Arrest and Search) that officers are likely to encounter while conducting field fugitive operations.

Memorandum for Distribution List
Subject: National Fugitive Operations Program Policy and Procedure

Page 2

Instructions in the handling of cases within the Absconder Apprehension Initiative (AAI), as identified in the memorandum dated January 28, 2002, are forthcoming. However, the attached NFOP SOP governs all DRO fugitive location and apprehension activities related to the AAI, including handling of "hot lead" cases.

A copy of the attached SOP will be posted on the HQDRO Fugitive Operations bulletin board upon its activation. HQDRO will notify the field of updates to the SOP through cc:Mail announcements. Questions regarding the instructions in this memorandum and the accompanying SOP may be directed to Kim Porter, Director of Removals, at (202) 616-(b)(7)
(C)(b)(7)

Attachment

Memorandum for Distribution List
Subject: National Fugitive Operations Program Policy and Procedure

Page 3

DISTRIBUTION LIST:

REGIONAL DIRECTORS

DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER, ENFORCEMENT

**DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER, OFFICE OF DETENTION AND
REMOVAL**

CHIEF, U.S. BORDER PATROL

cc: HQCOU
HQHRD
Chief, Immigration Officer Academy



U.S. Department of Justice
Immigration and Naturalization Service

HQOPS 50/12.8

Office of the Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

AUG 29 2002

MEM
FROM

(b)(7)(E)

SUBJECT: Absconder Apprehension Initiative Standard Operating Procedure (SOP) for
National Crime Information Center (NCIC) Wanted Persons File

Changes in the handling of Immigration and Naturalization Service (INS) entries into the NCIC Wanted Persons File are necessitated by the significant increase in the number of cases to be entered in support of Phase Two of the Absconder Apprehension Initiative (AAI-2) as described in a previous memorandum dated April 18, 2002. The AAI-2 involves the review of hundreds of thousands of files relating to aliens who have unexecuted warrants of deportation/removal outstanding. Those files have been grouped by priority beginning with 18,000 criminals. Additionally, new absconder cases will continue to be prepared and forwarded to the Law Enforcement Support Center (LESC) for entry into the NCIC throughout the life of the initiative.

Detailed instructions, in the form of an SOP, are attached. The following are fundamental elements from the SOP that must exist to support an entry into the NCIC Wanted Persons File at this time:

1. The alien has a final order of deportation or removal and a warrant of deportation or warrant of removal is present in the file. The requisite final order of deportation or removal may include deportation or removal orders issued by immigration judges, administrative removal orders, expedited removal orders, and reinstated deportation or removal orders so long as one of the charges that is the basis for the removal order was under section 237(a) of the Immigration Nationality Act, or section 241(a) prior to enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The I-205 (Warrant of Removal) must be prepared in each case prior to NCIC entry. For all cases from this date forward, the field office will prepare the I-205 for each of the above-listed categories prior to submission to the LESC.

Subject: Absconder Apprehension Initiative

National Crime Information Center (NCIC) Wanted Persons File

2. The file contains material sufficient to enable the LESC to readily assist the law enforcement officer who receives a name-based NCIC "hit" to establish whether the individual encountered is indeed the alien absconder subject of the NCIC entry. At present, Service policy requires that the file contain a full set of fingerprints, identifiable photograph, and biographic/biometric data found on forms such as the I-213, I-217, or G-325A.
3. The A-file and all record checks do not provide any reason to believe that there are impediments to the alien's removal based on matters pending before the INS, the Executive Office for Immigration Review (EOIR) or the federal courts.

Because of the potential for criminal prosecution under section 243(a)(1) of the Immigration and Nationality Act, all case files must be handled as if they were evidence in a criminal prosecution. Files will be complete and kept in order pursuant to the INS Records Operations Handbook. The arresting officer will ensure, prior to releasing any alien on bond, an Order of Recognizance or placement into INS detention, that the following steps are completed:

1. All aliens placed in proceedings will be fingerprinted on form FD-249 (minimum 2 classifiable copies).
2. Multiple sets of clear photographs will be taken, preferably in a digital format that can be reproduced in various sizes.
3. All biographical data and supporting documentation (I-213, I-217, etc.) are completed.

These requirements reiterate the case processing procedures found in the Interim Enforcement Procedures released on Inserts on June 5, 1997.

Additionally, new regulations on advising aliens in proceedings of their responsibility to surrender for removal upon receipt of a final order are pending. Until those regulations go into effect, field offices should continue to create and send via certified mail, return receipt requested, a Notice to Surrender, Form I-166, instructing the alien to report for removal. Field offices may wish to delay this notification until after their officers have had the opportunity to locate the individual first so as not to alert the subject to our intention to arrest and remove them.

The increase of entries into the NCIC Wanted Persons File is intended to enhance the ability of the national law enforcement community to identify aliens who have remained within our borders without authorization. The review process being undertaken by the LESC and the Headquarters, Office of Detention and Removal, Resolution Unit, is designed to capture all relevant information on an alien's status before entry into NCIC and to minimize the likelihood of detaining any alien who is in lawful status or otherwise not subject to removal.

Subject: Absconder Apprehension Initiative

National Crime Information Center (NCIC) Wanted Persons File

When field offices receive calls from the LESC regarding positive "hit" confirmations, they must respond promptly to the law enforcement agency that located the subject of the INS "hit." Once the INS has assumed custody, the responsible officer is expected to exercise sound judgment in handling each case based on the available documentation and interviews with the subject of the NCIC entry. Additionally, the responsible officer must notify the LESC of the subject's custody to ensure immediate removal of the NCIC entry.

All DRO field operations regarding the location and apprehension of cases within the scope of AAI-2 will be governed by the National Fugitive Operations Program (NFOP) SOP issued by Headquarters, Office of Detention and Removal.

A copy of the attached SOP, as well as the NFOP SOP, will be posted on the HQDRO Fugitive Operations bulletin board upon its activation. HQDRO will notify the field of updates to the SOPs through cc:Mail announcements. Questions regarding the instructions in this memorandum and the accompanying SOP may be directed to Kim Porter, Director of Removals, at (202) 616-(b)(7)(C)

Attachment

Memorandum for Distribution

Page 4

Subject: Absconder Apprehension Initiative

National Crime Information Center (NCIC) Wanted Persons File

DISTRIBUTION:

REGIONAL DIRECTORS

DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER, ENFORCEMENT

**DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER, OFFICE OF DETENTION AND
REMOVAL**

CHIEF, U.S. BORDER PATROL

cc: Director, Law Enforcement Support Center
Office of General Counsel

Absconder Apprehension Initiative

Phase Two

STANDARD OPERATING PROCEDURE

Headquarters
Office of Detention and Removal
Washington, D.C.
August 2002

Table of Contents

INTRODUCTION	II
I. STAGE I CASES: IDENTIFICATION AND CALL FOR FILES	1
A. IDENTIFICATION OF FILES	1
B. RECORDS ACTION - GENERATION OF "PULL TICKETS"	1
C. ADVANCE NOTIFICATIONS	3
D. CALL FOR FILES - GENERAL EXEMPTIONS AND SPECIAL REQUESTS TO KEEP FILES	3
E. REQUEST FOR FILES BY FIELD OFFICES	5
II. GENERATION & PROCESSING OF STAGE II CASES, AND INTERFILING	6
A. IDENTIFICATION AND SUBMISSION OF STAGE II CASES TO THE LESC	6
B. PREPARATION OF STAGE II CASES FOR SUBMISSION TO LESC	6
C. INTERFILING OF DOCUMENTS	8
III. SHIPMENT OF FILES (STAGE I AND STAGE II)	8
A. PREPARATION OF FILES FOR SHIPMENT	8
B. RECORDS RESPONSIBILITY PRIOR TO SHIPPING FILES	8
C. METHOD OF SHIPMENT, AND TRACKING	9
D. TIMELINESS	9
IV. PROCESSING FILES AT THE LESC	9
A. RECEIPT OF FILES AT LESC	9
B. REVIEW OF A-FILES FOR ELIGIBILITY	10
C. CHECKS OF INS DATABASES	10
D. ENTRY OF ELIGIBLE CASES	10
E. TRANSFER INELIGIBLE CASES TO THE RU	10
V. INTERNAL PROCESSES AT RU	11
A. RECEIPT OF FILES AT RU	11
B. CORRECTION OF INELIGIBILITIES	12
C. CLOSING A FILE	13
D. WHEN TO SEND INELIGIBLE A-FILE TO THE FIELD	13
E. WHEN TO SEND INELIGIBLE A-FILE BACK TO LESC	14
VI. STATISTICS KEPT BY THE RESOLUTION UNIT	14
A. PURPOSE	14
B. DATA, AND MEANS OF CAPTURE	14
VII. DEFINITIONS/LIST OF ACRONYMS	18

INTRODUCTION

The Immigration & Naturalization Service (INS) has embarked on a new two phased initiative, the Absconder Apprehension Initiative (AAI), designed to track down and remove every alien with unexecuted final orders of removal, termed absconders. Phase One (AAI-1), led by the Office of Investigations (HQINV), is aimed at locating and removing a relatively small set of absconders who have been identified based on certain characteristics. Phase Two (AAI-2), led by the Office of Detention and Removal (HQDRO), is focused on locating and removing all other existing absconders and ensuring that, in the future, absconders are located and removed on an ongoing basis so that a backlog will not develop.

A crucial component to the effectiveness of AAI is the entry of eligible cases into the National Crime Information Center (NCIC). This will greatly increase the INS' ability to locate and apprehend absconders nationwide when state and local law enforcement officers encounter the subjects of the NCIC entries and contact the INS. In order to simplify this process, absconder files in Phase Two have been separated into two stages, the submission of which to the Law Enforcement Support Center (LESC) will be governed by different policies. These two stages are distinguished by the date of final order - aliens with final orders dated prior to January 28, 2002 are considered Stage I, while aliens with final orders dated on or after that date are considered Stage II.

This document focuses on the procedures for identifying, preparing and entering targeted files from Stages I and II of AAI into the NCIC. As set forth in this document, Detention and Removal, Investigations, Records and the LESC will play a crucial role in ensuring that files are properly entered and maintained in NCIC. These procedures may be modified in the future.

The guidance developed for AAI-1 cases in the memorandum of the Executive Associate Commissioner, Office of Field Operations, dated January 28, 2002, is still in effect. Investigations and Detention and Removal officers assigned to AAI-1 locate investigations are to comply with all requirements of the above referenced memorandum.

I. Stage I Cases: Identification and Call for Files

A. Identification of Files

Stage I cases, those with final but unexecuted orders of removal dated prior to January 28, 2002, were identified by matching data found in the Deportable Alien Control System (DACS) and the Executive Office for Immigration Review (EOIR) database. This population was then adjusted to take out aliens: currently incarcerated by other law enforcement agencies (LEAs); detained by INS; eligible for Temporary Protected Status (TPS) or other protection; who have been naturalized or had their status adjusted; or from countries to which repatriation is considered most difficult.

The remaining population was divided into categories based on perceived threat to the public safety. They have been prioritized for entry into NCIC according to the following precedence:

1. Criminal Absconders
2. Non-Criminal Absconders
3. Aliens with unverified orders of voluntary departure

***NOTE:** File requests will only go out for Stage I cases. Stage II cases are identified and submitted to LESC by the field as they develop. This is explained more fully in Section II.*

B. Records Action - Generation of "Pull Tickets"

Based on the system for identification and priority categories outlined above, the Absconder Apprehension Initiative Coordinator (AAIC), located at INS Headquarters, will periodically provide lists of Stage I absconder A-files to the Headquarters Office of Records Services (HQORS), with a copy to the National Records Center (NRC), to trigger the process for requesting these files for entry into NCIC. Large file calls may be subdivided for ease of transfer and tracking.

Once HQORS receives the list, it will utilize the A-numbers to perform a batch file request in the Central Index System (CIS). The absconder file requests will be identified in CIS by a specified person/action code beginning with the letters ZABSCN (*ZABSCN2, ZABSCN3, etc.*), selected and placed in CIS by HQORS. The code will be provided to the field in the advance notification described in Section C below. The CIS and Receipt and Alien File Accountability System (RAFACS) or the National File Tracking System (NFTS) interface will generate the Pull Ticket Report at each field office.

In order to ensure timely submission of identified files into NCIC, **it is imperative that each field office print the pull ticket report and perform the download and upload to the CIS daily.**

All AAI requests (*identified by the code ZABSCN*) **must be treated as expedited requests**, and processed according to the guidelines in the Records Operations Handbook (ROH).

Whenever a list is sent for call up, HQORS will provide a summary report to the regions, HQDRO, and the LESC with the following information:

- Total A-files requested.
- Files requested that were not found in CIS. (*This will occur if there is a disparity between DACS and CIS such as, the case was created in DACS but the file was never created in CIS, or an erroneous number was entered in DACS*).
- Files requested with no current Files Control Office (FCO) shown in CIS.
- Duplicate requests (A-number listed more than once).
- Records requested that exist as duplicate files (as when multiple A numbers are assigned or A-files are created under aliases).
- Location and CIS transfer status of files before and after batch request.
- Files requested which are already at the LESC. (*No pull tickets generated for these files*).

- A list of files for which CIS rejected the request due to file being in transfer status.
(No pull tickets generated for these files).

All sites should notify their regional office if they do not receive the expected number of requests and the Help Desk if they have problems printing the pull tickets.

C. Advance Notifications

HQORS will provide advance notification to the Regions, Service Centers, and NRC of all impending requests for ZABSCN coded absconder files. HQORS will inform these offices during a weekly HQORS conference call if a new list is forthcoming, how many files are expected to be in the batch request, the specified person/action code, and the approximate date they can expect the file requests.

Many of the A-files being called for will be located in various operational units in the field, such as Investigations, Detention and Removal Operations (DRO), and Adjudications. Those entities may wish to expedite action, or copy files they will have to submit. To give them lead-time to prepare, HQDRO will notify district directors and other field managers by e-mail of impending file requests. The notification will advise them of the type of files being requested, but not the specific A-numbers. Those officers should then distribute the notification to their subordinates for their information and action.

D. Call for Files - General Exemptions and Special Requests to Keep Files

Every A-file requested through CIS pursuant to the AAI and coded ZABSCN shall be forwarded immediately to the LESC unless it falls within one of the following categories:

- E1** – Subject is currently in INS custody.
- E2** – Subject is detained or incarcerated by another LEA, and INS has lodged a detainer.
- E3** – Subject no longer has an outstanding warrant of deportation or removal, or, subsequent to the warrant being issued, he has lawfully received legal status from INS.

E4 – Subject is eligible for TPS or has been granted Deferred Enforced Departure (DED), or some other statutory, judicial, or discretionary relief from removal.

E5 – Subject's whereabouts are definitely known to INS and entry into NCIC as a wanted person would either be inappropriate or detrimental to INS operations.

E6 – Requested A-file has already been consolidated into another A-file.

Examples of an alien in category E5 would be one who is regularly reporting under an Order of Supervision, or who is the subject of an active criminal investigation or effort to locate and whose whereabouts are known, or whose case has been reopened in immigration court, or who is scheduled for an imminent benefit that will make the warrant inappropriate.

E7 – Subject is deceased and there is an official death certificate in the file.

E8 – Any other A-file that does not fall into one of the general exemptions covered in E1 through E7 but, for some reason, the field office believes that the file should be exempted. In such cases, the field must contact the Resolution Unit (RU) supervisor at (802) 872- (b)(7)(C), (b)(6) in order to discuss the request to retain the file in the field. *(RU supervisor's approval required)*

These exemptions do not grant a field office unilateral authority not to forward AAI "ZABSCN" coded files to LESC. If an office believes that a requested file falls under one of the exemptions listed above, the Assistant District Director (ADD) or supervisor in charge of the program shall forward an e-mail message to the RU at "AAIDRO". The e-mail must indicate the file number of the case believed to be exempt, the applicable exemption number (E1 – E7), as well as the contact telephone number of the individual making the request. The RU will contact the field on cases for which it determines that additional information is necessary. The RU will provide an answer by e-mail to the field as expeditiously as possible on those cases requiring additional information.

NOTE: Despite the elements listed above (E1 – E7) making a case exempt, an officer may request NCIC entry of such a case if he articulates in writing specific circumstances leading him to believe that though normally exempt, the alien is a threat to the community. The justification memorandum will be addressed to the Director of the LESC and forwarded with the A-file to the LESC.

By close of business Tuesday of each week, the RU will send to HQORS a list of files it has authorized to remain in the field as exempted files. HQORS will remove these files from the ZABSCN pull request. HQORS will change the person/action code in CIS from ZABSCN to ZA2_NS.

E. Request for Files by Field Offices

Field offices should not request files from the LESC when contemplating or planning an enforcement action that may result in the arrest of an absconder alien. Officers may call the LESC if additional information is needed from the file to locate and apprehend the targets of investigations. Original A-files should not be requested except under extraordinary circumstances or if the alien is in custody.

File requests for aliens not in custody should be sent to the Director, LESC by a district director or officer-in-charge with a memo explaining the extraordinary circumstances precipitating the request. The LESC will immediately remove from NCIC the entries supported by files returned to the field.

Once an alien associated with AAI is in custody, field offices shall notify the LESC and request the A-file. Upon notification, the LESC will remove the NCIC entry and forward the file to the requesting office.

II. GENERATION & PROCESSING OF STAGE II CASES, AND INTERFILING

Stage II AAI cases are those with a final order of deportation or of removal dated on or after January 28, 2002.

A. *Identification and Submission of Stage II Cases to the LESC*

In order to avoid an increase in the backlog of AAI cases, district DRO officers shall attempt to locate and apprehend all aliens for whom a final order is received. If field units are unsuccessful in locating and apprehending the alien within 120 days of the date of the final order, the alien will be considered an absconder and the case will be sent to the LESC for NCIC entry in accordance with the procedures below. *Supervisors are reminded that the entry of a case into NCIC does not preclude officers from continuing attempts to locate the fugitive.*

A-files should be shipped to the LESC as soon as 120 days have elapsed from the date of the final order. However, A-files may be held for up to a week for batch shipment. Other extension requests will be considered on a case-by-case basis by the AAIC. For such cases, the ADD in charge of the program requesting the extension will prepare a memorandum to the AAIC setting forth the reasons for the request and specify a length of time required for the extension. An extension will only be granted by the AAIC for those cases in which the location and apprehension of the absconder is imminent. "Imminent" is to be interpreted as two weeks or less.

B. *Preparation of Stage II Cases for Submission to LESC*

The DRO supervisor shall conduct a review of the file and perform each of the following tasks prior to shipment of files to the LESC:

- Ensure A-files and temporary files are complete and have the required documents for NCIC entry (*see definition for NCIC Eligible Case, Section VII*). All A-files and temporary files relating to the same subject will be consolidated and related system updates made prior to submission to the LESC.

- Documents supporting NCIC entry should be found in the file. The originals of those documents should be pulled and clamped together on the top of the right side of the file. Copies of each document should be inserted as a placeholder at its original location in the file to maintain continuity of the construction of the file.
 - I-205 (*file should contain the most recent I-205*). Make certain that the I-205 is complete with signatures and all other data.
 - Forms containing biometric/biographic data (*e.g., I-213s, I-217s, G-325A*).
 - Identifiable photograph. (*It must be recent enough to form a basis for visual identification*).
 - Ten-print fingerprint card.
 - Verify that all material in the file relates to the subject.
- Review fingerprint cards for completeness, including biographic/biometric data, and statute citation and description (*e.g., 8USC1326, Reentry After Deportation*).
- Superfluous material, such as multiple copies of applications, should be purged from the file.
- A-files shall be made whole at the field location prior to shipment to LESC. The reviewing supervisor will take steps to obtain any missing documents to ensure that all files submitted to the LESC are eligible for input into NCIC. In cases where a Stage II case does not have photos or fingerprints and they are unobtainable, the file will be sent to the LESC for use in Immigration Alien Query (IAQ) checks. The field office should, however, continue to pursue the apprehension of the subject.
- Supervisors shall ensure that DACS, CIS and RAFACS are updated and complete.

If field units wish to continue to work the case after submission of the A-file to the LESC, they should copy any pertinent material they desire prior to shipment.

C. Interfiling of Documents

Offices that receive mail pertinent to a case file must ensure that the mail is forwarded to the A-file at the LESC for inclusion. Likewise, any information developed regarding the attempt to locate or positively identify the alien must also be forwarded to the LESC for inclusion in the A-file. It is imperative that the A-file have all the up to date information possible to make positive confirmation of identity for a law enforcement officer who may encounter the subject, as well as any information that may impact on the status of the subject.

III. SHIPMENT OF FILES (STAGE I AND STAGE II)

All Stage I and Stage II files will be shipped to LESC through the local records office so that the files can be transferred out in accordance with procedures.

A. Preparation of Files for Shipment

All files shipped to LESC should be in good order prior to shipment. At a minimum, ORS will ensure the following:

- Consolidation of temporary files into the original A-file.
- Consolidation of multiple files relating to a single individual.
- Replacement of missing bar code labels.
- Repair or replacement of damaged jackets.
- Securing loose paperwork with fasteners or clamps.

B. Records Responsibility Prior to Shipping Files

Prior to shipping the A-files to the LESC, the local records office shall take the following steps:

- Perform file maintenance and rehabilitation as necessary.

- Update CIS/RAFACS or NFTS according to Records Operations Handbook (ROH) guidelines.
- ORS will track A-files for statistical purposes in the following categories:
 - AAI Phase One Cases (*Recognizable by the ZZABSCN code in person/action field*).
 - AAI Phase Two, Stage I cases (*Recognizable by ZABSCN2, 3, etc., codes*).
- Ensure that each package of A-files is secured and properly addressed. Files should be shipped to:

LESC
188 Harvest Lane
Williston, VT 05495
(802) 872-(b)(7)
(C)(b)

C. Method of Shipment, and Tracking

Offices that currently have an account with United Parcel Service (UPS) should use UPS for large file movements. Smaller offices or offices without an UPS account shall use FedEx. In all instances, shipments shall have an ancillary tracking mechanism.

D. Timeliness

Stage I files must be shipped, or exemptions requested, within 15 days of receipt of the A-file pull request.

Stage II cases must be shipped 90 days after a final order if the alien has not been apprehended unless an exemption has been approved.

IV. PROCESSING FILES AT THE LESC

A. Receipt of Files at LESC

- LESC will receive files in accordance with ROH instructions.
- Returned cases should be sent immediately to the RU for their action, and must not be counted as cases received. (*These are cases that were sent to the field by RU for*

resolution and are arriving back at LESC. They will be recognizable by the code ZA2_REV).

- LESC will count A-files, for statistical purposes, cases that are reviewed by the LESC and those forwarded to the RU in the following categories: *(These statistics will be forwarded to the AAIC daily.)*
 - AAI Phase One Cases *(Recognizable by the ZZABSCN code in person/action field).*
 - AAI Phase Two, Stage I cases *(Recognizable by ZABSCN2, 3, etc., codes).*

B. Review of A-files for eligibility

All files will be reviewed by the LESC to determine eligibility for entry into NCIC. This review will include documentary eligibility as well as legal eligibility. LESC will apply its standard criteria for entry into NCIC.

C. Checks of INS Databases

For every file received, the LESC will run INS databases for the A-number. They will determine if there are unconsolidated files or other legal issues such as applications pending, TPS eligibility, or any of the other statutory, judicial, or discretionary relief from removal (*e.g., LULAC, CSS, NACARA*) which would render the file ineligible for entry into NCIC as part of the AAI initiative.

D. Entry of Eligible Cases

Upon entry of a case into NCIC, responsibility for maintenance of that file and the NCIC entry resides with the LESC. That includes confirmation of hits, annual revalidations of the warrant, etc.

E. Transfer Ineligible Cases to the RU

The LESC will refer A-files to the RU upon discovery of any disqualifying ground. The LESC will not attempt to identify every ground for ineligibility, but will refer the case to the RU for complete review.

V. INTERNAL PROCESSES AT RU

The purpose of the RU is to review cases that do not meet criteria for NCIC entry, and to either fix the file so that it is NCIC eligible, or determine that the file cannot be fixed and made eligible for entry into the NCIC. The RU may transfer files to the field to be fixed.

Files that the RU determines cannot be made eligible for entry into NCIC will be closed for NCIC purposes (*Subsection C, below*). If the files contain no proper warrant they will be forwarded to the NRC (*Subsection D, below*), or back to the field if the file contains leads to the subject's whereabouts (*Subsection E, below*). If they contain a proper warrant but are otherwise ineligible for entry and the problem cannot be fixed, they will be sent back to the LESC (*Section F, below*).

A. Receipt of Files at RU

The RU will receive files in accordance with instructions in the ROH, and will track files for statistical purposes as described in Section VI, Statistics.

Once a file has been referred to the RU, the RU will check DACS and CIS to confirm that those systems are up to date and accurately reflect the alien's status in the United States, location, and case code.

Three person/action codes have been established in CIS to enable the RU to track cases.

- **ZZANEW_** (*note use of underscore as final character*) Indicates a file with a final order dated on or after January 28, 2002 being submitted to LESC for entry into NCIC. These cases originate in the field continuously. They are *not* sent in response to a call from HQORS. The code is entered in CIS by ORS at the sending office.
- **ZA2_REV** (*note use of underscore as fourth character*) Indicates a file that has been sent back to the field by the RU to be fixed. The RU will enter the code when a case is transferred back to the field.
- **ZA2CLOS** Indicates a file that has been closed by the RU for NCIC entry purposes. The file may still be active for other purposes such as investigation of leads. Closed files may be sent to the NRC, the LESC for other than entry purposes, or to the field

to be worked there. Records personnel assigned to the RU will make the change when required.

B. Correction of Ineligibilities

The RU will identify all factors that make a case NCIC ineligible. For the respective ineligibilities identified, RU personnel shall take the following actions:

- **Missing Properly Issued Warrant of Deportation or Removal (I-205)** - File will be transferred back to originating district for preparation of warrant and signature.
- **Missing Final Order from Immigration Judge or Board of Immigration Appeals** - The RU shall contact the respective EOIR jurisdiction to obtain a copy of the final removal order.
- **Missing Fingerprint Card** - If subject has a criminal history, RU shall contact the FBI to obtain a copy. If unavailable from the FBI, RU shall pursue other avenues, such as Forensic Document Lab, or Alien Fingerprint Identification System.
- **Missing Photograph** - The file may be returned to the field office with a suggestion that they obtain one from other government sources, such as driver's license bureaus, unless the field is able to locate a photo without the file.
- **Missing I-213, I-217, G-325A, or Other Sources of Biographic/Biometric Data** - If insufficient data is available to allow for positive identification of the subject, the file will be transferred back to the district having jurisdiction over the last known address.
- **Lacks Amenability to Prosecution** - if this does not exist, the RU will determine, by file review, if the case can be made eligible for prosecution and will take the steps necessary to complete the file. (*See case category charts under the definition for NCIC Eligible Cases.*)
- **Appeal Pending** - Check with EOIR, the federal court clerks or the INS District Counsel's office to determine the status of appeal. If it is determined that an appeal is still active the case will be returned to the district with jurisdiction.

- **Unconsolidated A-files** – The RU shall request all other A-files and temporary files and consolidate them. It will then review the complete record to determine eligibility for entry into NCIC.
- **Subsequent to the Order of Deportation or Removal, Alien was Granted Legal Status** The RU will review the A-file to determine if investigative action is appropriate. If so, it will forward the file to the field as an investigative lead.
- **Alien is Eligible for TPS, or any Judicial, Statutory, or Discretionary Relief from, or Deferrals of, Removal (LULAC, CSS, NACARA, etc).**
 - **Non-criminal** – If the file reflects that the alien is properly protected from removal, the case will be closed for NCIC purposes and sent to the NRC.
 - **Criminal** - If the file reflects that the alien is not properly qualified for protection from removal, the file will be returned to the district office having jurisdiction over the alien's last known place of residence for further action.

C. Closing a File

If the RU is unable to make a file eligible for entry into NCIC, it will close the file for NCIC purposes. The RU will place its standard record of review worksheet into the file indicating that it has been considered for entry, found lacking, and the deficiency was uncorrectable. As described below in subsections D, E, and F, the file will be sent from the RU to either the NRC, back to the field, or to the LESC. By close of business of Tuesday each week, the RU will provide to HQORS a list of files it has closed. *(That list will accompany the list of files approved by the AAIC to be retained in the field, described in Section 1-D of this SOP).* Records personnel at the RU will change the CIS person/action code for those files to ZZACLOS.

D. When to Send Ineligible A-file to the Field

If the RU determines that a file cannot be made eligible for entry into NCIC, but deems that further investigative action may result in apprehension of the subject, it will be closed for NCIC purposes and forwarded to the appropriate district office as an investigative lead. *(This process*

is distinct from that when the file is transferred out to the field to address one of the deficiencies outlined in Subsection B, above).

E. When to Send Ineligible A-file Back to LESC

The RU will return an A-file to the LESC if it contains a proper warrant, but the RU is unable to correct some other ground of ineligibility for entry into the NCIC. The LESC will not enter the warrant into the NCIC, but will keep that file on its shelves. This will enable the LESC to provide a prompt, comprehensive response to LEAs that make a general request for alien information, or an IAQ, through the National Law Enforcement Telecommunications System (NLETS), or by phone call. By having the file at hand, the LESC can inform the LEA that a warrant exists for the alien's arrest although that warrant is not in the NCIC.

VI. STATISTICS KEPT BY THE RESOLUTION UNIT

A. Purpose

The statistics kept by the RU will serve three purposes.

- To track the productivity of the RU.
- To track the RU workload.
- To track other factors in the process.

B. Data, and Means of Capture

The headings below are keyed to the lines on the RU's statistical tracking sheet.

A. RU Production- Measure of the actual input/output from the RU.

1. **Files Received from LESC** - This number is taken straight from the LESC report. The RU does not actually count the files they receive from LESC.
2. **Cases Resolved by RU** - Files fixed by the RU and returned to LESC for consideration.

3. **Files Closed Immediately by RU** - These files are those in which there is an irresolvable problem. The file is closed only for NCIC purposes. The file may be returned to the field if it contains promising leads. Otherwise, it is sent to the LESC or NRC (*see Sections V-D & E above*).
 4. **Files Transferred Out to Field for Resolution** - These cases are tracked on an individual basis as to A-number and field office, to assure that each case sent out is finally received back.
 5. **Files Received from Field after Resolution Attempt** - These files are tracked against the record of those files sent out for resolution.
 - (a) **Resolved by Field** - These cases have been fixed and will be sent to LESC.
 - (b) **Unresolved by Field** - These cases will be closed for NCIC purposes and sent to the NRC.
 6. **Total Files Closed** - Sum of files closed (*for NCIC purposes*) by RU immediately, plus those returned by the field, which cannot be resolved.
 7. **Files Returned to LESC for Consideration** - Sum of files resolved by the RU plus those returned from the field that have been resolved.
 8. **Cases Pending with Resolution Unit** - Number of cases received from the LESC minus the total of those closed plus those returned to LESC resolved.
- B. **RU Workload** - The workload is substantially higher than can be inferred from the production statistics. This is because each file must be reviewed multiple times during the resolution process. The subheadings reflect each common reason for review. They also reflect the most common problems found in files coming from the field.

1. Total File Reviews - Sum of numbers for (a) through (g).

(a) Not amenable to prosecution. *(See case category charts under the definition for NCIC Eligible Cases.)*

(b) No properly issued I-205.

(c) No fingerprints or photograph.

(d) DACS requires update - Cases will not be entered if DACS is not current.

(e) Files pending consolidation - Review has revealed the existence of another file that may contain material making entry of the warrant inappropriate.

(f) Files to be shipped out of RU - These are files being sent to the NRC or back to the field to be worked. They receive a final review to determine the appropriate destination.

(g) Files returned to RU by LESC for reconsideration - These files received a final supervisory review before being resubmitted to the LESC.

C. Other Factors - These numbers stand alone in this category. They do not tie into or balance with anything reported above.

1. Cases Referred to DRO Field Operations for Apprehension before NCIC Entry, but Files Not Closed - These are also referred to as "hot lead" cases. These are cases where, during review, leads are found that appear likely to result in apprehension of the subject if worked immediately. To send a surrender notice to the alien as required prior to NCIC entry might result in his flight, so these cases are sent back to the field to be worked before NCIC entry. If no apprehension results, they are returned to the RU for resolution and

resubmission to the LESC. They are tracked on an individual basis with a call-up.

2. RU-Assisted Apprehensions

a) RU found subject incarcerated and detainer lodged - File

closed without NCIC entry, and sent to office having jurisdiction over the institution.

b) RU found lead to fugitive resulting in apprehension - File

closed without NCIC entry and sent back to field for consideration of investigation of leads, and apprehension resulted. *(These are distinct from the "hot lead" cases explained at #1 above in this section).*

3. Unresolvable, but contain leads - Cases are closed and returned to field.

(List of such cases kept and tracked against DACS after 30 days to see which referrals resulted in apprehensions. Process generates figure found in 2.b above).

4. Unresolvable and no leads found. Returned to LESC shelf.

VII. DEFINITIONS/LIST OF ACRONYMS

- **AAI** – Absconder Apprehension Initiative.
- **AAI-1** – Absconder Apprehension Initiative, Phase One, relates to the A-files of a group of approximately 6,000 Middle Eastern men who have unexecuted warrants of deportation. Those were the first set of files identified and called for in response the Sept. 11, 2001 attack.
- **AAI-2** – Files relating to a general population of aliens having unexecuted warrants of deportation. AAI-2 is broken down into Stage I and Stage II cases. *See definitions below.*
- **AAI Coordinator (AAIC)** – The Headquarters single point of contact for all AAI issues. Presently, the AAIC is an officer detailed in from the field to work directly for the Executive Associate Commissioner for Operations. In the future the Coordinator will be an officer from Headquarters, Detention and Removal Operations (HQDRO) overseeing those duties under the guidance of the Director of Removal Operations.
- **AAI Codes in Central Index System (CIS)**

These codes will appear in the person/action field of CIS to identify files being handled under AAI.

- **ZABSCN*** A digit will appear in place of the asterisk. That digit is a number indicating the file's sequence within the AAI calls for files.
- **ZA2_NS** Files approved by the RU for the field to "NOT Send" to the LESC for entry into NCIC (*Note use of underscore as 4th character*).
- **ZA2_REV** Indicates a file that has been sent back to the field by the RU for reconciliation (*Note use of underscore as 4th character*).
- **ZZACLOS** Indicates a file that has been closed by the RU for NCIC entry purposes.
- **ZZANEW_** Indicates a Stage II AAI file being submitted to LESC for entry into NCIC. These cases originate in the field continuously. They are *not* sent in response to a call from HQORS (*Note use of underscore as final character*).

- **Absconder**– an alien who has been ordered deported or removed whose whereabouts are unknown to INS. (For the purposes of the file pull designation, an absconder is differentiated in DACS by the designation 5b, 8e and 8i.)
- **ADD/DRO** – For the purposes of this SOP, this term includes both the current Assistant District Directors for Detention and Removal, and the new Directors for Detention and Removal Field Operations as identified in reorganization structure.
- **Closed** – For purposes of this SOP, “closed” means that the RU has determined that a file found by the LESC to be ineligible for entry into NCIC cannot be corrected to make it eligible. However, the file may still be active for other purposes, such as investigation of leads. RU personnel will update the CIS person/action field with the code **ZA2CLOS** when a file is closed. Closed files may be sent to the NRC, the LESC for other than entry purposes, or to the field to be worked there.
- **HQDRO** – Headquarters Office of Detention and Removal Operations.
- **HQORS** - Headquarters Office of Record Services.
- **IAQ** - Immigration Alien Query. A request to the LESC by LEAs to query INS databases to determine if a subject they have encountered is an alien known to the INS. This is a manually generated search of INS databases and not tied to NCIC by interface.
- **LESC** – Law Enforcement Support Center. The LESC is the INS representative to the NCIC Advisory Policy Board and is the operational contact between INS and NCIC.
- **NCIC** – National Crime Information Center.
- **NCIC Eligible Case** – A case is considered NCIC eligible if the A-file or temporary file contains all the elements and documents necessary for it to qualify for entry into NCIC. Those elements are:
 - Warrant of Deportation or Removal (*form I-205*) properly issued pursuant to proceedings conducted under Section 240 of the Immigration and Nationality Act, (*INA, or Act*) or its predecessor section in previous versions of the Act,

and containing charges lodged under Section 237(a) of the INA after March 31, 1997.

- A final order of deportation or removal properly issued by an immigration judge pursuant to proceedings conducted under Section 240 of the Immigration and Nationality Act, (*INA, or Act*) or its predecessor section in previous versions of the Act, and containing charges lodged under Section 237(a) of the INA after March 31, 1997.
- The alien is not eligible for Temporary Protected Status (TPS), or any of the other judicial, statutory, or discretionary relief from, or deferrals of, removal.
- Classifiable ten-print fingerprint card (*form FD258 or FD 249*).
- Identifiable photograph.
- I-213 or other documentation providing biographic/biometric data.
- Amenability to prosecution. (*See below charts.*)

Aliens with final orders based on charges filed after April 1, 1997 (post-IRIRA cases)

Aliens with final orders based on charges filed after April 1, 1997 (post-IRIRA cases)			
1	expedited removal cases	no (no 237 charge used in expedited removal)	NO
2	file contains proof of service of Notice to Appear (signed mail receipt or personal service)	no (NTA advisal language insufficient to support probable cause ¹), unless alien falls into one of the "yes" categories below	CONDITIONAL ²
3	file contains proof that the alien was present for proceedings, took an order of voluntary departure with an alternate order of removal, and was still in the US 90 days after expiration of voluntary departure period	yes, if no appeal taken; if appeal is taken, then alien falls into categories 6 or 8 below	YES

¹ The advisal on the NTA reads, in pertinent part: "If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS." The DOJ Office of Legal Counsel has opined that this language does not put an alien sufficiently on notice that a removal order *will* issue and does not provide a time frame for issuing that order. Thus, an alien would not be on notice that he or she is required to leave the country at a certain time and the failure to do so cannot be said to be willful.

² Entry of these cases into NCIC is conditional on the notations found under the Amenable to Prosecution column.
Standard Operating Procedure
Absconder Apprehension Initiative

4	file contains proof that the alien was present for proceedings, was ordered removed, and waived appeal	yes	YES
5	file contains proof that the alien was present for proceedings, was ordered removed, and reserved appeal	yes, if INS verifies that no appeal was filed	YES
6	file contains proof that the alien was present for proceedings, ordered removed, appealed, and removal order was upheld by BIA	yes, if alien was represented by counsel before the Board (not merely before the IJ); for non-represented aliens, no	YES CONDITIONAL
7	file contains no proof of actual service of Notice to Appear and no indication that alien was present at hearing	no	NO ³
8	file contains proof that the immigration judge's order of relief was overturned on Service appeal	yes, if alien was represented by counsel before the Board (not merely before the IJ); for non-represented aliens, no	YES CONDITIONAL

Aliens with final orders prior to April 1, 1997 (pre-IIRIRA cases)⁴

1	exclusion cases	no (no 237/241 charge used in exclusion)	NO
2	file contains proof of service of Order to Show Cause (signed mail receipt or personal service), and one of the charges sustained in the OSC is a criminal or national security charge	no (advisal language insufficient to support probable cause), unless alien falls into one of the categories below	NO
3	OSC was not based on a criminal or national security charge	no	NO
4	file contains proof that the alien was charged using criminal or national security grounds, was present for proceedings, took an order of voluntary departure with an alternate order of removal, and was still in the US 90 days after expiration of voluntary departure	yes, if no appeal taken; if appeal is taken, then alien falls into categories 7 or 9 below	YES
5	file contains proof that the alien was charged using criminal or national security grounds, was present for proceedings, was ordered removed, and waived appeal	yes	YES

³ This number should be quite small, as immigration judges generally will not conduct in absentia hearings where the Service cannot prove that the alien received the Notice to Appear.

⁴ DOJ Criminal Division takes the position that, while it is an unsettled question as to whether a 243(a)(1)(A) or 242(e) violation would be viewed by the courts as a continuing offense, it is a defensible position to treat it as such. This interpretation, if accepted by the courts, would eliminate concerns over whether pre-IIRIRA cases are no longer "amenable to prosecution" because barred by the statute of limitations.

⁵ Section 242(e) was the precursor to current section 243(a). Immediately prior to IIRIRA, section 242(e) applied to all deportation orders based on any ground of deportability. But prior to amendments in the 1994 Crime Bill, section 242(e) applied only to those whose deportation order was based on a criminal or national security ground of deportability. In an effort to avoid further complication to an already complicated chart, we are lumping all these pre-IIRIRA deportation orders together.

6	file contains proof that the alien was charged using criminal or national security grounds, was present for proceedings, was ordered removed, and reserved appeal	yes, if INS verifies that no appeal was filed	YES
7	file contains proof that the alien was charged using criminal or national security grounds, was present for proceedings, was ordered removed, appealed, and order was upheld on appeal	yes, if alien was represented by counsel before the Board (not merely before the IJ); for non-represented aliens, no	YES CONDITIONAL
8	file contains no proof of actual service of Notice to Appear and no indication that alien was ever present for a hearing	no	NO

- **NCIC Ineligible Case** – A case is considered ineligible for NCIC if the A-file or temporary file lacks elements necessary for it to qualify for entry into NCIC. Categories of cases that are ineligible for entry into NCIC include cases:
 - Pending appeal.
 - With unconsolidated A-Files.
 - Subsequent to the order of removal the alien was granted legal status.
 - In which the alien is eligible for Temporary Protected Status (TPS), or any of the other judicial, statutory, or discretionary relief from, or deferrals of, removal.
 - Lacks identifying data (fingerprints, photograph, description).
 - Lacks amenability to prosecution.
- **Pull Ticket** – A notice from HQORS to a field office directing that the field office pull an A-file and take some action with it. Pull tickets are generated over CIS, and are printed at the action office on adhesive labels that are placed on the file once it has been pulled.
- **Resolution Unit (RU)** – A unit of officers tasked with resolving administrative and/or legal deficiencies in A-files submitted to the LESC for entry into NCIC. For logistical convenience the unit is located at the LESC, but is an element of HQDRO.

- **Stage I Case** – Alien with a final order of deportation, exclusion or removal dated before January 28, 2002. All Stage I cases are within the population of AAI-2.
- **Stage II Case** – Alien with a final order of deportation or removal dated on or after January 28, 2002 (*the beginning date for the AAI*). All Stage II cases are within the population of AAI-2. *It is the goal of the initiative that no backlog of Stage II cases be allowed to develop.*



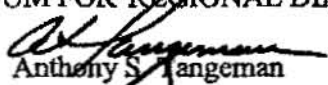
U.S. Department of Justice
Immigration and Naturalization Service

HQOPS 50/12.8

425 I Street NW
Washington, DC 20536

MAR - 8 2002

MEMORANDUM FOR REGIONAL DIRECTORS

FROM: 
Anthony S. Langeman
Deputy Executive Associate Commissioner
Office of Detention and Removal

SUBJECT: National Fugitive Operations Program Implementation and Enhancement.

This guidance supplements the memorandum issued by Michael A. Pearson, Executive Associate Commissioner, Office of Field Operations, relating to the National Fugitive Operations Program (NFOP).

Purpose:

This directive describes the distribution of forty law enforcement officer and support positions authorized and funded under the USA Patriot Act for the apprehension, processing and removal of fugitive aliens. It also provides initial policy guidance on the use of these positions.

Background:

In Mr. Pearson's memorandum, he directed Headquarters Detention and Removal Operations (HQDRO) to implement an NFOP. He further directed HQDRO to assume oversight for that program and to develop and issue a Standard Operating Procedure (SOP) for implementation at the national level. As stated in the memorandum, a successful and robust NFOP is a key component of the Immigration and Naturalization Service's (INS) contribution to the national security effort through the elimination of the fugitive case backlog and enhancement of our overall removal efforts. It must be one of the core fundamental enforcement activities of the INS.

In response to the terrorist attacks of September 11th, Congress passed landmark legislation in the form of the USA Patriot Act. The Act provided funding and positions for law enforcement agencies' roles in the war against terrorism.

As part of that legislation the INS, and specifically DRO, was authorized an enhancement of forty positions solely for the purpose of apprehending fugitive aliens. HQDRO has decided that these positions will be distributed to seven specific district offices as described below.

Discussion:

The DRO program bears the primary responsibility for locating, apprehending and removing aliens in the United States in violation of immigration law who are defined as fugitives. A detailed SOP for nationwide implementation of the NFOP will be issued at a later date. All existing policies and procedures relating to other aspects of INS operations specific to the detention and removal of aliens not specifically addressed by this directive remain in effect.

The HQDRO program is responsible for developing, implementing and monitoring the NFOP at the national level. Within HQDRO, the Removals Division is charged with implementing the program and providing effective guidance to the field. They will also create a mechanism to maintain data relative to fugitive operations.

Action:

The districts assigned the forty positions provided by the USA Patriot Act are New York, Newark, Miami, Detroit, Chicago, San Francisco, and Los Angeles. The following chart provides the breakdown of the positions that are available for each district and the apprehension targets for Fiscal Year 2003. These seven districts are to proceed with advertising and selecting officers to fill these positions as quickly as possible. The district directors receiving the initial enhancement positions are to utilize those positions solely for NFOP pursuant to congressional mandate. This requirement, however, does not prohibit them from utilizing additional DRO personnel to increase the effectiveness of their local operation. The seven districts receiving the enhancement positions shall create a Fugitive Operations Section (FOS) for the purpose of implementing the NFOP. The forty positions deployed under the USA Patriot Act enhancements should account for an additional 1,000 criminal fugitive apprehensions and removals over and above the Fiscal Year 2003 goal for criminal removals.

Districts receiving these positions should fill the new positions with existing qualified staff and then backfill the vacated positions. Fugitive operations require the most experienced and capable DRO personnel. Personnel who have had prior training and experience in fugitive operations activities and are at the journeyman level are the best fit for these initial assignments. For planning purposes, deportation officers should expect to remain in these positions for two to three years. This does not preclude the district from announcing the position Service-wide should insufficient qualified personnel be available locally. Backfill positions should be announced at the GS-11/12 level in order to alleviate the adverse impact on ongoing operations.

In addition to the positions, HQDRO will provide vehicles for supervisory and deportation officers assigned under the enhancements to the seven initial districts. Additional

funding will also be provided for other necessary equipment such as computers, cellular telephones, pagers, etc. Vehicles and equipment provided under this enhancement shall not be used for any purpose other than the direct support of the NFOP.

National Fugitive Operations Program						
District	Team Deployed	SDO (CS-1)	DO (CS-1)	DRO (S-7)	Operations Manager	Estimated Expenses
NYC	2	1	6	1	2	250
NEW	1	1	3	0	1	125
MIA	1	1	3	0	1	125
DET	1	1	3	0	1	125
CHI	1	1	3	0	1	125
SFR	1	1	3	0	1	125
LOS	1	1	3	0	1	125
TOTALS	8	7	24	1	8	1,000

* Criminal alien fugitives.

HQDRO has requested a new program element for Fugitive Operations. Once approved and implemented, this new program element will be used for Fugitive Operations activities including designation in POSTS, payroll, overtime, awards, other-than permanent positions and general expenses. Specific guidance will be provided once the new program element has been approved.

Regional offices are to task an existing deputy assistant regional director for DRO to act as an intermediary between the HQDRO and district fugitive operations personnel as a collateral duty. This intermediary shall coordinate all reporting and operational issues within their areas of responsibility and provide oversight consistent with current operational structure.

To accomplish the 10-year objective of eliminating the backlog of fugitive cases HQDRO has identified the priority in which fugitives should be targeted and are listed below. Fugitive aliens should be targeted for location and apprehension in the following order:

Priority I:

- Backlog criminal alien cases; (approximately 40,000 cases)
- From countries to which they can be expeditiously removed; and,
- A-Files currently located at the field offices.

Priority II:

- Backlog criminal alien cases; (approximately 40,000 cases)
- From countries to which they can be expeditiously removed; and,

- A-Files located at the National Record Center.

Priority III:

- Non-criminal backlog cases; (approximately 234,000)
- From countries to which they can be expeditiously removed; and,
- Cases on Orders of Supervision that are now removable.

Though districts should manage their enhancement resources to address these priorities, all targets of opportunity as well as new fugitive cases should be addressed as needed.

HQDRO will develop lists of Priority I fugitive cases for dissemination to the field based on information available through the Deportable Alien Control System (DACS). A-Files relating to these cases should be located at the district offices as soon as practical. Field offices should immediately assign and begin working to locate, apprehend and remove these cases.

All A-Files that cannot be located for whatever reason should be reported immediately to HQDRO Removal Operations Division which will initiate a Servicewide search for them. Once located they will be immediately forwarded to the appropriate field office for assignment.

The seven district offices receiving enhancement positions shall monitor all work conducted by their new fugitive teams to ensure that priority is given to the pursuit of cases that will ultimately lead to apprehension and removal.

While district offices not receiving enhancement positions are not required to designate DRO personnel solely to fugitive operations, they are expected to implement an effective and vigorous fugitive program within their respective jurisdictions consistent with those efforts of the districts receiving initial enhancements. Specific field guidance for nationwide implementation of the NFOP in the form of an SOP is currently being developed by HQDRO and will be forthcoming. This SOP will draw on the best practices from the field such as the recently promulgated *Western Region Fugitive Alien Apprehension Operations Guidance*.

Questions or concerns regarding to this memorandum may be directed to Kim Porter or Bruce E. Chadbourne in HQDRO Removal Operations Division via cc:mail or at (202) 305-

(b)(7)
(C) (b)(7)

cc: District Directors
Office of Field Operations

CUSTOMS DIRECTIVE

ORIGINATING OFFICE: OI:APP:PP **DISTRIBUTION:** S-01
CUSTOMS DIRECTIVE NO. 4220-003A
DATE: JUNE 2, 2000
SUPERSEDES: 4220-003, 1/10/91
REVIEW DATE: JUNE 2002

SUBJECT: PROGRAM FOR FUGITIVES WANTED BY U.S. CUSTOMS

1 PURPOSE. To establish policy and procedures to efficiently promote the identification, location, apprehension or referral, and global tracking of fugitives wanted by the U.S. Customs Service (USCS). This replaces Interim Fugitive Policy Memorandum, August 24, 1995.

2 POLICY.

2.1 The uniqueness of USCS investigations lends itself to fugitives having an international involvement in their transnational criminal activities. This results in fugitives who have been charged with major crimes in the United States, have fled overseas and are at large in foreign countries. This Directive addresses the process of applying and receiving issuance of INTERPOL Red Notices, Provisional Arrest Warrants, and U.S. Information Agency International broadcast notices. Additional issues addressed include the timeliness of entry of Customs fugitives into the National Crime Information Center (NCIC), a cohesive policy and procedure for the identification, location, apprehension or referral to the U.S. Marshals Service (USMS), and the global tracking and apprehension of fugitives wanted by USCS.

2.2 The USCS reserves the right to direct and decide all matters related to USCS fugitives.

3 AUTHORITIES/REFERENCES. 19 U.S.C. 1589a, 1627a, and 2081; 31 U.S.C. 5317; 50 U.S.C. App. 2411; 28 C.F.R. 0.111; Fugitive Program Information/Procedure Notice, August 29, 1995; FBI, NCIC Chapter 01, Section 03.02.

4 DEFINITIONS.

4.1 A USCS fugitive is any person who cannot be located and who is the subject of an outstanding Federal criminal arrest warrant as the result of a USCS investigation.

4.2 A USCS escapee is a subject who escaped from USCS custody, including holding facilities, after his or her arrest, but prior to appearing in front of a judicial officer.

4.3 A Failure To Appear (FTA) fugitive is a subject who has been arrested and has fled the jurisdiction of the court after appearing before a judicial officer.

4.4 A Red Notice is a lookout for an international fugitive who is wanted for prosecution or to serve a sentence, and whom the requesting country is willing to extradite internationally. Also known as the International Wanted Notice, the Red Notice provides specific details about the fugitive; photograph and fingerprints, if available; the facts of the case; the charges; and the arrest warrant. RED NOTICES are published in INTERPOL's four official languages: Arabic, English, French, and Spanish.

5 RESPONSIBILITIES.

5.1 The Assistant Commissioner, Office of Investigations (OI), shall have policy oversight for the implementation of this directive.

5.2 It is the responsibility of the OI or Office of Internal Affairs (IA) field office having investigative responsibility in the area where the warrant was filed to maintain records of their Customs fugitives and enter, cancel, and periodically verify the entries of the subjects in NCIC.

5.3 It is the position and policy of the USCS that OI retains the primary investigative authority over these fugitives when the responsible Special Agent in Charge (SAIC) or Resident Agent in Charge (RAIC) official determines it is in the best interest of the USCS to reserve that responsibility although the USMS is the responsible agency for entry of FTA fugitives into NCIC and is administratively responsible for the entry of USCS FTAs in NCIC.

5.4 Whenever an arrest warrant is issued pursuant to a USCS investigation, and the arrest of the subject is not anticipated within 10 days, the responsible case agent and group supervisor are required to submit a completed Customs Fugitive Report (CF-59) (see Appendix 1) to the National Law Enforcement Communication Center (NLECC) within 24 hours of the issuance of the warrant. Ten days is the maximum time authorized for submission of CF-59, unless accompanied by a specific explanation which documents the delay.

5.4.1 Exceptions to paragraph 5.4 of this document are circumstances such as sealed indictments, arrest of subject(s) pending as a result of ongoing investigative activities, or other situations which could adversely affect the investigation/prosecution.

5.4.2 When the reason for the delay no longer exists and an entry into NCIC is necessary, the reason for the delay shall be captioned in the remarks section of the Customs Fugitive Report (CF-59) and the existing (b)(7)(E) (b)(7)(E) record.

5.4.3 All cancellation reports shall be filed within 24 hours of the arrest of a Customs fugitive by USCS elements.

5.5 The National Fugitive Program Manager (NFPM) will coordinate with the Design, Publishing and Distribution Group to have the poster printed and distributed to each SAIC and RAIC Fugitive Coordinator after the incorporation of any changes and/or approval by the AC/OI.

5.5.1 The SAIC and RAIC Fugitive Coordinators will ensure that the most recent "TEN MOST WANTED" posters are distributed within their enforcement area of responsibility.

5.6 It is incumbent upon each SAIC or RAIC to address the issue of entry of fugitives into NCIC, prior to the commencement of the joint investigation/task force. In joint investigations/task forces, caution should be taken to ensure that only one agency is responsible for the entry of fugitives into NCIC. Procedures set forth in this Directive shall be followed for fugitives identified as being the responsibility of the USCS.

5.6.1 The appropriate USCS Special Agent will ensure a supporting (b)(7)(D) entry is created identifying the subject as a fugitive from a joint agency USCS investigation. In those situations where it is agreed that another participating agency of the joint investigation/task force will be responsible for the entry of NCIC fugitive records, the TECS records will contain complete warrant information in the appropriate sections. A USCS Fugitive Report will not be completed in these situations.

5.6.2 Special attention should be taken to ensure no duplicate NCIC entries are created as a result of a joint investigation. Should this occur, it is incumbent upon the appropriate SAIC/RAIC representative to immediately advise the other agency of the duplicate entry and determine which records will be removed. If it is decided the USCS NCIC entry should be removed, a cancellation of the USCS Fugitive Report shall be completed within 24 hours and sent via facsimile to the NLECC. The (b)(7)(D) records status code shall be changed, if necessary, to reflect the classification of "XO."

5.7 The responsible SAIC/RAIC official may defer primary investigative authority over a USCS fugitive, on a case-by-case basis, to the USMS if he/she deems it is not in the best interest of the USCS to reserve that responsibility.

5.7.1 It is the responsibility of the SAIC Fugitive Coordinator to coordinate the requirements and activities between the field office and the NFPM. The SAIC Fugitive Coordinator must be a Senior Special Agent.

5.8 It is the responsibility of the NLECC to enter USCS fugitives into NCIC and to maintain appropriate records related to those entries.

5.9 It is the responsibility of the NFPM to effectively monitor this program, control and maintain the "U.S. Customs Ten Most Wanted" program, and liaison with the field offices, NLECC, and USMS regarding USCS fugitives.

5.9.1 The NFPM will monitor USMS apprehension efforts through USMS Headquarters.

5.9.2 The NFPM will assist in the preparation of the International Crime Alert Broadcast. The NFPM is the contact person to arrange for Voice of America (VOA) broadcasts.

6 PROCEDURES.

6.1 The established procedure for entering and removing USCS fugitives into NCIC by the NLECC remains unchanged by this Directive. The USCS Fugitive Report (CF-59) will remain the proper instrument to transmit fugitive information to the USMS and the USCS.

6.1.2 The NLECC, SECTOR Operations, routinely reviews all NCIC records on USCS Fugitives as an ongoing program. During the review process, Sector Enforcement Specialist personnel will initiate a number of law enforcement database inquiries in an attempt to acquire current location and any other information pertinent to USCS fugitives and their NCIC records. These actions also fulfill the USCS obligation to ensure accurate and current information in the NCIC database.

6.2 The Memorandum of Understanding (MOU) between the USCS and the USMS (see Appendix 2) provides general guidance regarding the relinquishing of USCS fugitive investigations to the USMS. The MOU provides general guidance on the relationships between the USMS and the USCS concerning the location and apprehension of fugitives arising from USCS investigations. The MOU is intended to enhance the spirit of cooperation which already exists between USMS and USCS. The NFPM is the contact person for any Fugitive MOU issues.

6.3 The relinquishing of investigative authority over a USCS fugitive to the USMS shall be made via USCS Fugitive Report (CF-59). In the space provided in the cancellation information section, where it states "EXPLAIN OTHER REASON," write the following information: "Warrant turned over to the USMS on dd-mm-yy." A copy of the USCS Fugitive Report should be provided to the USMS and the NLECC.

6.4 Any incident of non-cooperation from the USMS shall be reported to the SAIC Fugitive Coordinator and NFPM in a timely manner. Actions taken by the USMS pursuant to investigations which have, or could have, an adverse impact on ongoing USCS investigations and enforcement actions should also be reported.

6.5 Information contained in the USCS investigative file which may be of assistance to the USMS fugitive investigation may be provided to the USMS as long as it does not adversely affect ongoing USCS investigations and enforcement actions.

6.6 Customs Fugitives Abroad

6.6.1 If evidence exists establishing a USCS fugitive is residing outside the jurisdiction of the United States, the USCS case agent may consider initiating procedures with the NFPM, who will assist the case agent in the coordination with INTERPOL, Department of Justice/Office of International Affairs (DOJ/OIA), and VOA. The NFPM will assist the case agent in the application process for Provisional Arrest Warrants and International Crime Alert Broadcasts.

6.6.2 The resources of the USCS Attaché office should be utilized in the efforts to locate all Customs categories of fugitives abroad.

6.6.3 INTERPOL RED NOTICE: If evidence exists establishing that a USCS fugitive is residing outside the jurisdiction of the United States, the USCS case agent may consider initiating procedures for an INTERPOL Red Notice with the NFPM, who will coordinate with the USCS Representative to INTERPOL, National Central Bureau, Washington, D.C., to obtain an INTERPOL Red Notice.

6.6.4 An integral part of the service that INTERPOL provides to its 176 member countries is the system of lookout/advisory notices. These notices, color coded to designate their specific purposes, are issued by INTERPOL's General Secretariat to all National Central Bureaus (NCBs) at the request of a member country. The NCBs then distribute the notices through their respective countries to appropriate law enforcement authorities. The USCS has a representative in the USNCB/INTERPOL.

6.6.5 The criteria for requesting issuance of a Red Notice are:

- a) A crime has been committed;
- b) A warrant has been issued;
- c) There is reason to believe the subject has fled the jurisdictional boundaries of the U.S.; and
- d) Concurrence has been granted by the U.S. Attorney, State Attorney, or State Extradition Officer having jurisdiction in the matter.

6.6.6 Copies of the Red Notice application (see Appendix 3) will be provided to the SAIC Fugitive Coordinator and the NFPM.

6.7 The appropriate U.S. Attorney must initiate procedures with the DOJ/OIA Fugitive Unit, in order to obtain a Provisional Arrest Warrant. This is important because issuance of the Provisional Arrest Warrant is instant notification to the DOJ/OIA Fugitive Unit that the U.S. Attorney has authorized extradition and prosecution. It also

establishes a proactive posture, eliminates delay, and allows the DOJ/OIA Fugitive Unit to review the request for any legal barriers prior to the location of a fugitive residing abroad.

6.8 The DOJ/OIA Fugitive Unit works closely with the USMS, Federal Bureau of Investigation, Drug Enforcement Administration, Immigration and Naturalization Service, Internal Revenue Service, U.S. Secret Service, Postal Inspection Service, Bureau of Diplomatic Security, U.S. Department of State, INTERPOL, and other Federal, State, and foreign law enforcement entities. The DOJ/OIA Fugitive Unit identifies these select fugitives and collects the critical information to warrant a provisional arrest or expulsion request for submission to the proper authorities once the fugitive is located.

6.9 The United States has Extradition and Legal Assistance Treaties with over 100 nations. The DOJ/OIA Fugitive Unit works closely with USCS in international extradition and legal assistance and is familiar with all of the U.S. extradition statutes and treaties.

6.10 It is DOJ/OIA Fugitive Unit's charter to maintain files on fugitives, facilitating the validation of fugitive status, filing of arrest requests, and filing of extradition documents with the appropriate foreign governments. They were created to better assist Federal agencies in locating and extraditing fugitives for return to the United States.

6.11 The Provisional Arrest Warrant is an effective tool in the global effort to apprehend Customs fugitives who have fled abroad. The NFPM will assist in coordinating with the DOJ/OIA Fugitive Unit. (See Appendix 4 for a Provisional Arrest application.)

6.12 VOA has International Crime Alert Broadcasts in 58 languages to more than 1,300 radio stations worldwide. For inclusion in this unique program, there must be a Provisional Arrest Notice and a photograph on file for the fugitive.

6.13 After the Sector Enforcement Specialist analyzes the information and determines there is a potential investigative lead to apprehend a USCS fugitive, the Director, Operations Division, NLECC, will forward the lead to the appropriate SAIC or RAIC of the office having jurisdiction over the NCIC entry, with a copy of the lead sent to the NFPM.

6.14 The appropriate case agent or SAIC Fugitive Coordinator should follow up and document the investigative activity on the NLECC lead(s) via a Report of Investigation (ROI).

6.15 The development and maintenance of the "TEN MOST WANTED" list will include the following stages:

- a) SAIC Fugitive Coordinators will submit recommendations to the NFPM.

- b) IA Fugitive Coordinators will submit recommendations to the NFPM.
- c) After screening current fugitive listings with IA and field recommendations, NFPM will propose ten fugitives for inclusion in the next "TEN MOST WANTED" poster.
- d) The proposed listing will be submitted through channels to the Assistant Commissioner, OI.

6.16 OI personnel with regard to case management functions within (b)(7)(E) will adhere to the following procedures:

6.17 Cases where USCS is responsible for the arrest warrant and the fugitive has not been arrested will remain open. After a reasonable amount of time has passed and no further investigative action is anticipated, the case can be placed in a pending status. What constitutes a reasonable amount of time is left to the discretion of the appropriate field Group Supervisor. All investigative activity taken to locate the fugitive, including negative results, shall continue to be documented via ROIs. Conditions leading to closure of the case can be, but are not limited to, the following: arrest of fugitive, dismissal of warrant, or the confirmed death of the fugitive.

6.18 The original USCS arrest warrants for Customs escapees will be considered still valid. If not rearrested within 24 hours of the escape and the subject has not already been entered into NCIC, a USCS Fugitive Report shall be completed and immediately sent via facsimile to the NLECC. A (b)(7)(E) record will be created and/or modified to reflect the escape and a status code of "XC."

6.19 It should be noted that FTA offenses are not extraditable and any foreign extradition of an FTA fugitive must rely on the merits of the USCS substantive charges.

6.20 Since the entry of FTA fugitive information into NCIC is the responsibility of the USMS, a USCS Fugitive Report will not be completed. However, if a supporting (b)(7)(E) record does not already exist, one shall be created indicating the subject as an FTA fugitive from a USCS investigation. The (b)(7)(E) record shall reflect a status code of "XF" and contain complete FTA warrant information.

6.21 USCS investigations involving only USCS FTA fugitives will either remain open, placed in a pending status, or closed at the discretion of the appropriate field Group Supervisor.

6.22 Cases where the defendant escaped from prison prior to the final judicial action, or from a holding facility after appearing before a judicial officer, are the responsibility of the USMS, and completion of a USCS Fugitive Report is not required. This type of fugitive will be considered the same as an FTA and supporting TECS records will be created/modified identifying the subject as a fugitive from a USCS investigation. The FTA warrant information will be obtained and recorded in the (b)(7)(E) record. The (b)(7)(E) status code shall be "XF."

6.23 The USMS is responsible for the entry into NCIC of fugitives who fail to report to prison or who escape from prison, and has primary investigative responsibility over them. Information contained in the USCS investigative files may be provided to the USMS as long as it will not adversely affect ongoing USCS investigation and enforcement actions. Completion of a USCS Fugitive Report is not required; however, a (b)(7)(C) record shall be created/modified identifying the subject as being convicted on USCS charges and is currently an escapee. The (b)(7)(C) record shall reflect a status code of "XO" and contain complete escapee warrant information.

6.24 USCS investigations involving USCS fugitives, who escape from the custody of the Attorney General, i.e., after conviction but prior to incarceration and/or escape from prison, will be placed either in a pending or a closed status.

6.25 If a defendant in an OI case is at large before or during judicial proceedings, the case should be placed in a pending status, assuming the fugitive has not been apprehended within a reasonable time and no further investigative action is anticipated. Each case should be weighed upon its own merits and a reasonable amount of time is left to the discretion of the case agent and field supervisors. The significance of the defendant and case, as well as input from the prosecutor, should also be weighed appropriately.

6.25.1 Cases where the defendants are the subject of arrest warrants, indictments, or informations who are at large and have never been apprehended, or have been apprehended and subsequently fled upon posting bail before trial, during trial, or otherwise failed to appear for a judicial proceeding, can be placed in a pending status.

6.26 If a defendant in an OI case flees after pleading guilty or being convicted but before sentencing, or after sentencing but before incarceration, the case should be closed.

6.27 In the above scenario, the case agent will probably have the most intimate knowledge of the fugitive's habits, associates, and haunts. In this instance, his assistance to the USMS may be vital, and a new fugitive case (Criminal All Other 05) should be opened if deemed appropriate.

6.28 The case should be closed upon final judicial disposition, capture, fugitive turning him/herself in, dismissal of the warrant or indictment, or confirmed death of the fugitive.

7 NO PRIVATE RIGHT CREATED. This document is an internal directive of the USCS. It does not create or confer any right, privilege, or benefit on any private person.

8 MEASUREMENT.

8.1 The number of USCS fugitives in NCIC, the number of USCS fugitives turned over to the USMS, and the number of USCS fugitives apprehended, to be compiled by the NFPM.

Commissioner of Customs

Date Correction

The stamped date of March 6, 2005 on the following memorandum, "Uses of Ruses in Enforcement Operations", is incorrect. The correct date is March 6, 2006.

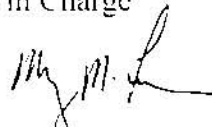
If additional verification is required, please send your inquiry to the ERO Policy mailbox.



U.S. Immigration
and Customs
Enforcement

NOV 19 2007

MEMORANDUM FOR: All Assistant Directors
All Deputy Assistant Directors
All Special Agents in Charge

FROM: Marcy M. Forman 
Director

SUBJECT: Enforcement Statistics Reporting User Manual

This memorandum forwards the Enforcement Statistics Reporting User Manual, which is directed for immediate dissemination and use by all field offices.

The Enforcement Statistics Working Group was convened to address concern over the quality of the enforcement statistics that have been entered into the ICE law enforcement systems. Issues ranged from errors in narratives, misidentification or no identification of key statistics and details, and improper use of case category codes and program/project codes.

The Enforcement Statistics Working Group met from September 9 through September 13 to address these issues and identify solutions. As a result, the group developed the Enforcement Statistics Reporting User Manual for correcting these issues, along with a one-page Quick Reference Guide.

The Enforcement Statistics Reporting User Manual presents the precise procedures that will be used to ensure that enforcement data is correct, complete and can be accurately associated with the specific OI program area(s) which will enhance the ability to track and report enforcement statistics. The manual also presents new primary Program/Project Codes ^(D)_{(7)(E)} codes that will be implemented to properly identify and link information in the ICE law enforcement systems. Group Supervisors (GS) will be held accountable for the implementation of and consistent adherence to these procedures for all FY 2008 enforcement data. The Executive Information Unit will be providing field offices with their respective FY 2008 enforcement data via Excel spreadsheet for applying these new requirements to existing FY 2008 enforcement data. However, it is the ultimate responsibility of the GS to ensure that all FY 2008 data is compliant with the requirements identified in the Enforcement Statistics Reporting User Manual.

Additionally, the Executive Information Unit has developed standards to continuously monitor and evaluate the quality of the data and resulting statistics, as well as addressing other law enforcement reporting needs as they arise. As a standard, all monthly reports will be finalized on the 10th day of each month. Therefore, all field offices must ensure that enforcement statistics for the prior month have been correctly entered and approved before the monthly

SUBJECT: Enforcement Statistics Reporting User Manual

Page 2

reports are compiled. Once the monthly reports have been compiled and distributed, there will be no re-runs of the data for that month, as those numbers/statistics will become the official numbers/statistics on record for the respective month.

Please begin using this manual immediately as part of your reporting procedures. Field offices will be immediately notified of any additions or modifications to the Enforcement Statistics Reporting User Manual as they occur. Questions may be addressed to (b)(7)(C),(b)(6) Section Chief, Executive Information Data Quality via Email (b)(7)(C),(b)(6) or via phone ((703) 921) (b)(7)(C),(b)(6)



U.S. Immigration and Customs Enforcement

Enforcement Statistics Reporting User Manual

Version 2.0

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Prepared by
Executive
INFORMATION
Modernization Unit

Revision History

Version	Date	Name of Author	Summary of Changes
0.1	9/18/07	Enforcement Statistics Working Group	Initial Document
0.2	9/24/07	Enforcement Statistics Working Group	Incorporates comments from field and HQ participants
1.0	10/10/07	EIU/MO	Publication Version
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Approval Signatures

Name	Office	Action Requested	Initi	Date	Comments
(b)(7)(C),(b)(6)	AD, MS	☐ Concur ☐ Sign			
	COS	☐ Concur ☐ Sign			
	Dep.	☐ Concur ☐ Sign			
Marcy Forman	Director	☐ Concur ☐ Sign			
		☐ Concur ☐ Sign			
		☐ Concur ☐ Sign			

Table of Contents

1	Purpose.....	4
1.1	Importance of Statistical Reporting	4
1.2	Target Audiences	4
1.2.1	Internal Audiences	4
1.2.2	External Audiences	5
1.3	Critical Roles in Effective Statistical Reporting.....	6
2	Case Category and Program/Project Codes	7
2.1	Case Category/Sub Category Codes	7
2.2	Program/Project Codes	8
2.3	Cases with Certified Undercover Operations	9
2.4	Cases with No Certified Undercover Operations.....	10
2.4.1	Additional Codes	11
3	Information Requirements for ICE OI Report Generation	11
3.1	Data Entry Requirements.....	12
3.2	Linking of Data throughout Reporting Systems	12
3.3	Completeness and Accuracy of Data	17
4	Writing Narratives	17
5	Additional Reporting Requirements	18
5.1	Significant Enforcement Notification (SEN) System.....	18
5.2	Significant Prospective Enforcement Activity Reports (SPEAR)	18
5.3	Law Enforcement Agency Request for Assistance (LEARA) Module	18

1 Purpose

1.1 Importance of Statistical Reporting

As the largest law enforcement agency within the Federal government, the U. S. Immigration and Customs Enforcement (ICE) Office of Investigations (OI) plays a central role in achieving the mission of the Department of Homeland Security (DHS).

In order to measure the results and effectiveness of OI law enforcement operations, statistical data must be compiled, reviewed and evaluated. This data may include statistics on arrests, convictions, indictments, seizures, and methods of conveyance among others. The accuracy and clarity of these statistics is essential to providing insights and conclusions on law enforcement operations. Additionally, these statistics are used by a myriad of target audiences to influence and guide budgetary, operational, personnel, policy, and resource decisions. For instance, the allocation and funding of agents to a particular area of responsibility (AOR) as well as the ability to transfer agents is heavily influenced by the statistical results.

This document focuses on the key elements to ensure data quality of enforcement reporting statistics and will concentrate on the most critical elements related to this purpose.

1.2 Target Audiences

Statistical data is used by a number of internal and external audiences, including but not limited to, those listed below.

1.2.1 Internal Audiences

1.2.1.1 Special Agents (SA) – the SA relies on statistical data for key activities to track results, evaluate designation of predicate and other offenses, and determine relationships to other cases and/or investigations

1.2.1.2 Group Supervisor (GS) – The GS reviews the SA's reports and statistics to ensure accuracy and correctness and to verify adherence to policies and procedures. Additionally, the GS may advise the SA on preparing the reports and statistics.

1.2.1.3 Special Agent in Charge (SAC) Offices – the SAC offices use statistical data to evaluate agent performance, operational results, efficient and effective use of personnel and resources and current and future budgetary, personnel and resource needs.

1.2.1.4 OI Headquarters (HQ) Program Managers (PM) – OI HQ PMs use statistical data to evaluate the success and efficiency of operational activities as well as to report on specific program areas. The OI HQ PMs develop a nationwide as well as regional view of OI results within their program areas. OI statistical data is also used to support budgetary and resource allocations.

1.2.1.5 Executive Management – At the OI Director's level and above, OI statistical data is used to evaluate the SAC offices, OI leadership and the performance of the agency as a whole and develop overall strategic and tactical plans for the component. Additionally, Executive Management presents this data to key stakeholders such as the ICE Assistant Secretary, other DHS components (such as Detention and Removal Operations (DRO)), and the Secretary of DHS.

1.2.2 External Audiences

1.2.2.1 Legislative Branch – The Legislative Branch uses OI statistical data to evaluate the effectiveness of the implementation of governmental laws and policies and to determine ICE budget allocations. Additionally, this data may be used to support or refute various issues that are raised within this governing body.

1.2.2.2 Executive Branch – the Executive Branch uses statistical data to evaluate the effectiveness of the implementation of governmental laws and policies as well as to support and refute various legal, procedural and operational positions.

1.2.2.3 State, Local, and International Law Enforcement Agencies – State, local and international law enforcement agencies use statistical information to complement their operations and to assist in Federal operations. Additionally, information between Federal, state, local and international agencies is a key hallmark in increasing the effectiveness of law enforcement operations and implementing the national homeland security strategy.

1.2.2.4 Customs and Border Protection (CBP)/ United States Citizenship and Immigration Services (USCIS) – Both CBP and USCIS use statistical information to complement their operations. CBP uses the information to increase the effectiveness of their border operations, while USCIS uses this information to enhance their process of approving immigrants' citizenship.

1.2.2.5 Customs and Border Protection (CBP) Fines, Penalties and Forfeiture (FP&F) – CBP FP&F relies on statistical and quantitative data (in part) to arrange for the storage, transport and disposition of seized merchandise. The accuracy of this data is critical to CBP FP&F ability to handle seized data in accordance with its legal status. CBP overall uses

1.3 Critical Roles in Effective Statistical Reporting

Accurate statistical reporting is dependent on several critical roles within OI: the SA, the GS and the OI HQ PM.

The SA is responsible for the correct and timely input of information into various ICE Law Enforcement Systems (LES). Therefore, the SA must work to ensure that the information is entered in accordance with all applicable guidance. Additionally, the SA must correctly discern the correct case category and program codes, as well as the correct narrative information to enter into the system.

The GS is responsible for ensuring that the agent's entries into various ICE LES are accurate, free from spelling, grammatical, and other errors, and are in compliance with the appropriate guidance. The GS must hold the SA to the appropriate standards to ensure accurate information is entered into the system.

The OI HQ PM for a particular program area is an integral part of the reporting process. While the OI HQ PM is dependent on the inputs from the field, the OI HQ PM's interpretation of that data is integral to evaluating programmatic operations, especially when those operations span more than one AOR (for example: financial, cyber etc).

2 Case Category and Program/Project Codes

2.1 Case Category/Sub Category Codes

Investigative activities are divided into various categories based on the type of activity under investigation. Each category is assigned a number that is designated as the Case Category Code. This categorization assists in the analysis of data in the case management database. This code is part of the Investigative Case Number. This number cannot be changed once it has been entered into the system. SAs have the responsibility to select the case category and sub category that describes the predicate offense used to open the case.

(b)(7)(E)

Investigative Case Category Codes are listed with the associated Program/Project Codes in Section 2.2 below (detailed descriptions and subcategory codes can be found on the ICEPIC Website or the OI Proprietary Website).

The ICE Investigative Case Number should be entered directly into the (b)(7)(E) Case Management module, SEACATS and the (b)(7)(E) systems.

2.2 Program/Project Codes

The Primary Program/Project Codes are established by ICE Headquarters (HQ) to enable the compiling of statistics by Program Area. Primary Program/Project Codes are newly created codes that reference each investigative area to better align law enforcement statistics with program areas. Primary Program/Project Codes are also associated with the case categories for more efficient and accurate reporting. The table below provides the Primary Program Codes and their associated Case Category. The agent must use this table as guidance when entering an Investigative Case Record.

The use of the Primary Program/Project Code does not preclude using additional Program/Project Codes on the same case record as the case evolves.

(Note: The terms Program and Project Codes are used interchangeably in this document, as they are in the ICE LES.)

Primary Program/Project Codes		Associated Case Category	
Code	Program Area	Case Cat Code	Case Category
(b)(7)(E)	Historical	(b)(7)(E)	Classification and Market Value (Historical - Discontinued)
	Trade Transparency Unit		Financial Investigations
	Cornerstone		Financial Investigations
	Theft, Loss, Damage & Shortage		Theft, Loss, Damage & Shortage
	Criminal, All Other		Criminal, All Other
	Illegal Exports		Illegal Exports
	Smuggling, General		Smuggling, General
	Commercial Fraud		Fraud
	Intellectual Property Rights		Fraud
	Foreign and Domestic Cooperation		Foreign and Domestic Cooperation
	Customhouse Licenses & ID Cards		Customhouse Licenses & ID Cards
	Navigation		Navigation
	Regulatory Compliance		Regulatory Compliance
	Drug Smuggling		Drug Smuggling
	Counterterrorism		Counterterrorism
	Human Smuggling		Human Smuggling/Trafficking
	Human Trafficking		Human Smuggling/Trafficking
	General Alien Investigations		General Alien Investigations
	Benefit Fraud		Benefit Fraud
	Document Fraud		Document Fraud
	General Investigative		Compliance/Worksite/Infrastructure Protection Investigations
	NSEERS		Compliance/Worksite/Infrastructure

Primary Program/Project Codes		Associated Case Category	
Code	Program Area	Case Cat Code	Case Category
(b)(7)(E)	SEVIS	(b)(7)(E)	Protection Investigations
	Biometric Match		Compliance/Worksite/Infrastructure Protection Investigations
	Visa Revocation		Compliance/Worksite/Infrastructure Protection Investigations
	Work Site Enforcement (CIP)		Compliance/Worksite/Infrastructure Protection Investigations
	Work Site Enforcement (Non CIP)		Compliance/Worksite/Infrastructure Protection Investigations
	Compliance Enforcement Investigations		Compliance/Worksite/Infrastructure Protection Investigations
	US VISIT		Compliance/Worksite/Infrastructure Protection Investigations
	Gangs		Select appropriate Case Category

2.3 Cases with Certified Undercover Operations

If the case is part of a Certified Undercover Operation, a (b)(7)(E) indicating (b)(7)(E) will be placed in the (b)(7)(E) field, and the Undercover Code will be the first entry in the (b)(7)(E) field. The Primary Program/Project Code will be the first entry in the field.

(b)(7)(E)

2.4 Cases with No Certified Undercover Operations

If there is no Certified Undercover Operation associated with a case, the Primary Program Code will be entered on the first page in the ' (b)(7)(E) ' field.

(b)(7)(E)

2.4.1 Additional Codes

Additional Program/Project Codes may be entered to further describe operations, special activities and associated programs/projects. **These codes should never be used in place of Primary Program/Project codes but entered in addition to the Primary Program Code.**

SAs may enter as many additional codes (up to the system maximum) as they deem necessary to allow for the tracking of more localized programs or projects. Program/Project Codes can be found using the help field within (b)(7)(C) that are not listed in this document may also be entered as additional codes. SAs may contact the Primary Program/Project Managers at OI HQ if additional guidance is required. The OI NSCO Help Desk is available to provide assistance during normal business hours.

(b)(7)(E)

3 Information Requirements for ICE OI Report Generation

The SA and GS are responsible for the accuracy and completeness of information contained in the various ICE LES databases. This includes case hours, enforcement statistics, narratives and reports.

3.1 Data Entry Requirements

The elements listed below are the minimum set of data elements that must be entered into the systems identified to facilitate accurate reporting of OI Enforcement Statistics. The data entry may not be mandatory for the system listed, but is required for generating various reports. **IDENTIFICATION OF THESE ELEMENTS DOES NOT ALLEVIATE THE ENTRY OF OTHER DATA ELEMENTS NOT LISTED THAT ARE USED FOR PURPOSES OTHER THAN REPORTING.**

Data Element	Point of Entry
OI Case Number	(b)(7)(E)
Case Category Code	
Case Category Sub Code	
Arrests	
Indictments	
Convictions	
Hours	
Office Name	
Program/Project Code	
FP&F Case Number (system generated)	SEACATS
Incident Number	SEACATS
Property Type Description	SEACATS
ROI Type	(b)(7)(E)
Seizures	SEACATS
Type Code	SEACATS
Quantity	SEACATS
Value	SEACATS
Seized CAT Code	SEACATS
Event Number	(b)(7)(E)
Disposition Field	
Criminal Type	
Occupation	
Employer	
Employee Type/Role	
Arresting Agent (Fill in only if arrest occurs)	
Date of Arrest (Fill in only if arrest occurs)	
Arrest Location (Fill in only if arrest occurs)	

3.2 Linking of Data throughout Reporting Systems

It is the responsibility of the SA to ensure the information is linked or entered as required to systems that contain information relevant to each case. It is the responsibility of the GS to ensure that prior to the approval and or review of any source document that the appropriate subject record, seizure report and other documents are linked. The SA is

responsible for ensuring consistency of data entered between systems and the GS is responsible for reviewing the data entered by the SA.

There may be instances where a Search/Arrest/Seizure(S/A/S) report is the first document created by OI. In this instance, the primary Program/Project code must be entered into the S/A/S report by the SA based upon the category code that will be assigned to the case in the (b)(7)(C) Case Management system. This will enable the two documents to be linked programmatically.

(b)(7)(E)

A table of category and program/codes is given in Section 2.1.

If the incident was generated by CBP, then the SA will link the incident to the case in the (b)(7)(E) Case Management system via (b)(7)(E) option 3 (updating of non-OI S/A/S). Once the S/A/S screen has been updated with the OI case number, the SA must also input the applicable primary Program/Project code, and ensure that OI participation in the seizure or arrest is properly noted.

(b)(7)(E)

Following these actions, the SA must ensure that the statutes are properly entered into the S/A/S using the F10 key.

(b)(7)(E)

After all statistics have been entered, using the ^(b)₍₇₎ key, return to the previous screen. The SA must ensure that the letter ^(b)₍₇₎ (meaning ^(b)₍₇₎^(E)) is entered into the ^(b)₍₇₎^(E) field. This will bring the statistics from the S/A/S into TECS Case Management.

(b)(7)(E)

3.3 Completeness and Accuracy of Data

It is the responsibility of the GS to ensure that the all required data is entered and reviewed before approval.

4 Writing Narratives

Narratives are key components of law enforcement investigative activity and resultant operations.

The following points should be followed when completing a narrative:

- The narrative of a Search/Arrest/Seizure (S/A/S) report and other reporting narratives should thoroughly and succinctly describe the elements of “who, what, when, and where” with regard to the specific incident being reported.
- Write the report so that it could be understood by a person with no law enforcement experience. Bear in mind that the end user of an S/A/S report may not be familiar with the type of case being reported, or may be from another agency.
- All abbreviations and acronyms should be spelled out when first used in the narrative, and then can be abbreviated following the first use.
- Specify the date of arrest or seizure.
- Identify the agent or officer that makes the arrest or seizure.
- Specify the section of law for which a person is arrested.
- Describe the items seized fully but succinctly (“207 assorted business documents” or “50 twenty-dollar bills”).
- Identify by name any and all persons arrested in their specific incident report.
- Ensure that the information in the narrative supports, and does not contradict, the information in the formatted fields of the S/A/S report.

Examples of narratives are provided in Appendix A.

5 Additional Reporting Requirements

5.1 Significant Enforcement Notification (SEN) System

The Significant Enforcement Notification (SEN) system refers to the reporting of incidents, significant events and other emerging or sensitive matters occurring in the field that may affect ICE. These incidents must be reported within two hours of their occurrence (telephonically) and a written report must be submitted in the SEN system within 24 hours.

5.2 Significant Prospective Enforcement Activity Reports (SPEAR)

Significant Prospective Enforcement Activity Reports (SPEAR) are used to report anticipated enforcement actions to Executive Management. Executive Management has a high degree of interest in upcoming enforcement events. Activity where a press release or coverage is anticipated would usually warrant a SPEAR.

The Special Agent in Charge (SAC) will use their discretion to determine whether an event is significant enough to require a SPEAR. No SPEAR should be sent to Headquarters without the SAC's knowledge. The SPEAR should reach Headquarters no later than noon on the day before the activity is expected to take place and no earlier than 48 hours before the anticipated activity.

If the anticipated event is part of a major operation, the SPEAR should be the last of a series of notifications that are provided to Executive Management from the field. Briefing materials should have been sent to the appropriate HQ division well in advance of the incident.

5.3 Law Enforcement Agency Request for Assistance (LEARA) Module

The SEN Law Enforcement Agency Request for Assistance (LEARA) Module is a permanent process requiring agents to complete the SEN LEARA report for each individual request for assistance from state and local Law Enforcement agencies. The supervisor approves these reports. The SEN LEARA Module captures detailed information regarding the requests ICE receives from the outside agency and ICE's response. The module allows users the ability to query requests by date range, office, or a unique identifying number. The end result is a higher level of accountability within ICE to better track resources and report on state and local related requests for assistance.

Appendices

Appendix A – Narrative Examples

Appendix B – Acronyms

Appendix A – Narrative Examples

Example A

Administrative Arrest Occurring at a Jail

On January 1, 2007, ICE Special Agent Harry Callahan administratively arrested Pablo ESCOBAR at the San Diego County Jail for violation of the Immigration and Naturalization Act (INA), Section 237(a)(1)(B), An Alien In United States in Violation of INA or Other U.S. Laws (Visa Overstay).

ESCOBAR was first encountered by ICE agents on December 24, 2006, at the San Diego County Jail, where he was in state custody for charges associated with driving under the influence of alcohol. ICE agents screening inmates determined that he was in the United States illegally, and lodged an immigration detainer against him, requiring that he be turned over to ICE before his release from jail.

Subsequent to his arrest, Escobar was processed and transferred to the custody of ICE Detention and Removal in San Diego, California.

Example B

Release of an Alien on His Own Recognizance Subsequent to an Administrative Arrest

During the course of an ongoing narcotics investigation, the Office of the Special Agent in Charge, Washington, DC, developed information confirming that Pablo ESCOBAR was in the United States illegally.

On January 1, 2007, ICE Special Agent (SA) Harry Callahan administratively arrested ESCOBAR at his place of residence, 123 Main Street, Washington, DC.

SA Callahan issued ESCOBAR a Warrant of Arrest charging him with violation of the Immigration and Naturalization Act (INA), Section 237(a)(1)(B), An Alien In United States in Violation of INA or Other U.S. Laws (Visa Overstay), as well as a Notice To Appear ordering him to appear before an Immigration Judge on January 10, 2007.

SA Callahan also issued ESCOBAR a Notice of Custody Determination releasing him on his own recognizance until his hearing date.

The decision to release ESCOBAR on his own recognizance instead of taking him into custody was based on the fact that ESCOBAR had sole custody of three young children (all United States citizens) that he needed to care for.

Example C

State Traffic Stop Resulting in the Administrative Arrest of an Alien

On January 1, 2007, at approximately 1900 hours, Arizona Highway Patrol Officer John Smith made a vehicle stop for a moving violation on Interstate 805, near mile marker 26, in Yuma, Arizona. Suspecting that the 14 occupants of the vehicle were in the United States illegally, Officer Smith contacted ICE.

ICE Special Agent Harry Callahan responded to the scene at approximately 1930 hours and determined that two of the occupants of the vehicle were, in fact, in the United States illegally.

Special Agent Callahan arrested Pablo ESCOBAR and John DOE, both citizens of Costa Rica, for violation of the Immigration and Naturalization Act (INA), Section 237(a)(1)(B), An Alien In United States in Violation of INA or Other U.S. Laws (Visa Overstay). Both subjects were processed and turned over to ICE Detention and Removal in Yuma, Arizona.

Example D

Seizure of Documents

On January 1, 2007, special agents from the Office of the Assistant Special Agent in Charge (ASAC), Calexico, California, executed a federal search warrant upon the business premises of Universal Exports, Incorporated, located at 123 Main Street, Calexico, California.

Special Agent Harry Callahan seized, as evidence, a total of 204 pages of assorted documents from a filing cabinet located in the office. The chain of custody for the seized documents is recorded on Chain of Custody Receipt (CF-6051) number 02998501. The documents were subsequently secured in the evidence room at ASAC, Calexico, office.

Example E

Narcotics Seizure and Arrest

On January 1, 2007, at approximately 0630 hours, ICE special agents assigned to the Office of the Assistant Special Agent in Charge (ASAC), Calexico, California, stopped a 2005 Ford F-150 pick-up truck bearing California license plate number 123ABC approximately one mile west of the Arizona border on Interstate 805 in Winterhaven, California. ICE special agents had observed the vehicle enter the United States from Mexico by driving across a shallow ford in the Colorado River near the Pilot Knob area of Winterhaven, California. ICE special agents maintained visual contact with the vehicle from the time it entered the United States until the vehicle stop was made.

A search of the vehicle, conducted by ICE Special Agent Smith, revealed a total of 18 plastic wrapped packages that had been contained in two duffle bags in the bed of the pick-up truck. One of the packages was probed, revealing a green, leafy substance. A presumptive field test of the substance gave a positive indication for marijuana.

The 18 packages had a combined weight of 200 kilograms (440 pounds).

The marijuana and vehicle were seized and turned over to the Seized Property Custodian at the Calexico, California, Port of Entry. The chains of custody for the marijuana and the vehicle are recorded on Chain of Custody Receipt (CF-6051) numbers 02212201 and 02212202 respectively.

The driver and sole occupant of the vehicle, Robert JONES (a citizen of the United States), was arrested for violation of Title 21, United States Code, Sections 952 and 960, Importation of a Controlled Substance. JONES was transported to the Imperial County Jail to await his initial appearance before a United States Magistrate Judge.

Appendix B - Acronyms

	Acronym	Definition
(b)(7)(E)		Area of Responsibility
		Customs and Border Protection
		Department of Homeland Security
		Detention and Removal Operations
		Fines, Penalties and Forfeiture
		Group Supervisor
		Headquarters
		Immigration and Customs Enforcement
		ICE Pattern Analysis and Collection System
		Law Enforcement Agency Request for Assistance
		Law Enforcement Systems
		Office of Investigations
		Program Manager
		Special Agent
		Special Agent in Charge
		Search/Arrest/Seizure Report
		Seized Assets and Case Tracking System
		Significant Enforcement Notification System
		Significant Prospective Enforcement Activity Reports
		Treasury Enforcement Communications System II

PRIMARY PROGRAM/PROJECT "Y" Codes

In order to correctly capture enforcement statistics, the Primary Program/Project Code referred to as a **(b)** code must be entered in **(b)** and SEACATS. The **(b)** code should be determined based upon the predicate offense.

The Primary Program/Project Codes are established by ICE Headquarters (HQ), as required, to enable the compiling of statistics by Program Area. Primary Program/Project Codes are also associated with the case categories for more efficient and accurate reporting.

The table below provides the Primary Program/Project Codes and their associated Case Category. The agent must use this table as guidance when entering an Investigative Case Record. The use of the Primary Program/Project Codes does not preclude using additional Program/Project Codes on the same record as the case evolves.

The codes listed below are effective as of October 1, 2007. If additional codes are added, notification will be provided to the SACs.

Primary Program/Project Codes		Associated Case Category	
Code	Program Area	Case Cat. Code	Case Category
(b)(7)(E)	Historical	(b)(7)(E)	Classification and Market Value (Historical - Discontinued).
	Trade Transparency Unit, Cornerstone		Financial Investigations
	Theft, Loss, Damage & Shortage		Financial Investigations
	Theft, Loss, Damage & Shortage		Theft, Loss, Damage & Shortage
	Criminal, All Other		Criminal, All Other
	Illegal Exports		Illegal Exports
	Smuggling, General		Smuggling, General
	Commercial Fraud		Fraud
	Intellectual Property Rights		Fraud
	Foreign and Domestic Cooperation		Foreign and Domestic Cooperation
	Customhouse, Licenses & ID Cards		Customhouse, Licenses & ID Cards
	Navigation		Navigation
	Regulatory Compliance		Regulatory, Compliance
	Drug Smuggling		Drug Smuggling
	Counterterrorism		Counterterrorism
	Human Smuggling		Human Smuggling/Trafficking
	Human Trafficking		Human Smuggling/Trafficking
	General Alien Investigations		General Alien Investigations
	Benefit Fraud		Benefit Fraud
	Document Fraud		Document Fraud
	General Investigative		Compliance/Worksite/Infrastructure, Protection Investigations
	NSEERS		Compliance/Worksite/Infrastructure, Protection Investigations
	SEVIS		Compliance/Worksite/Infrastructure, Protection Investigations
	Biometric Match		Compliance/Worksite/Infrastructure, Protection Investigations
	Visa Revocation		Compliance/Worksite/Infrastructure, Protection Investigations
	Work Site Enforcement (CIP)		Compliance/Worksite/Infrastructure Protection Investigations
	Work Site Enforcement (Non CIP)		Compliance/Worksite/Infrastructure Protection Investigations
	Compliance Enforcement Investigations, US VISIT		Compliance/Worksite/Infrastructure Protection Investigations
	Gangs		Select appropriate Case Category

(b)(7)(E)

MINIMUM DATA ENTRY REQUIREMENTS FOR ICE OI LAW**ENFORCEMENT STATISTICS REPORTING**

The elements listed below are the minimum set of data elements that must be entered into the systems identified to facilitate accurate reporting of OI Enforcement Statistics. The data entry may not be mandatory for the system listed, but is required for generating various reports. **IDENTIFICATION OF THESE ELEMENTS DOES NOT ALLEVIATE THE ENTRY OF OTHER DATA ELEMENTS NOT LISTED THAT ARE USED FOR PURPOSES OTHER THAN REPORTING.**

Data Element	Point of Entry
Ol Case Number	(b)(7)(E)
..... Case Category Code	
..... Case Category Sub Code	
Arrests	
Indictments	
Convictions	
Hours	
Office Name	
Program/Project Code	
FP&F Case Number (system generated)	SEACATS
Incident Number	SEACATS
Property Type Description	SEACATS
ROI Type	(b)(7)(E)
Seizures	SEACATS
Type Code	SEACATS
Quantity	SEACATS
Value	SEACATS
Seized CAT Code	SEACATS
Event Number	(b)(7)(E)
Disposition Field	
Criminal Type	
Occupation	
Employer	
Employee Type/Role	
Arresting Agent (Fill in only if arrest occurs)	
Date of Arrest (Fill in only if arrest occurs)	
Arrest Location (Fill in only if arrest occurs)	

ADDITIONAL REPORTING REQUIREMENTS
**Significant Enforcement Notification (SEN)
System**

The Significant Enforcement Notification (SEN) system refers to the reporting of incidents, significant events and other emerging or sensitive matters occurring in the field that may affect ICE. These incidents must be reported within two hours of their occurrence (telephonically) and a written report must be submitted in the SEN system within 24 hours

**Significant Prospective Enforcement Activity
Reports (SPEAR)**

Significant Prospective Enforcement Activity Reports (SPEAR) are used to report anticipated enforcement actions to Executive Management. Executive Management has a high degree of interest in upcoming enforcement events. Activity where a press release or coverage is anticipated would usually warrant a SPEAR.

**Law Enforcement Agency Request for
Assistance (LEARA)**

The SEN Agency Request for Assistance Module is a permanent process requiring agents to complete the SEN LEARA report for each individual request for assistance from state and local Law Enforcement agencies. The supervisor approves these reports. The SEN LEARA Module captures detailed information regarding the requests ICE receives from the outside agency and ICE's response. The module allows users the ability to query requests by date range, office, or a unique identifying number.

KEY ELEMENTS OF NARRATIVES

- ✓ Describe the elements of "who, what, when, and where"
- ✓ The narrative is written so that it could be understood by a person with no law enforcement experience
- ✓ The end user of an S/A/S report may not be familiar with the type of case being reported, or may be from another agency.
- ✓ All abbreviations and acronyms should be spelled out when first used in the narrative, and then can be abbreviated following the first use
- ✓ Specify the date of arrest or seizure.
- ✓ Identify the agent or officer that makes the arrest or seizure
- ✓ Specify the section of law for which a person is arrested
- ✓ Describe the items seized fully but succinctly ("207 assorted business documents" or "50 twenty-dollar bills")
- ✓ Identify by name any and all persons arrested
- ✓ Ensure that the information does not contradict, the information in the formatted fields of the S/A/S report.



U.S. Immigration
and Customs
Enforcement

MAR – 6 2005

MEMORANDUM FOR: Headquarters Divisions
All Field Office Directors

FROM: John P. Torres 
Acting Director

SUBJECT: Uses of Ruses in Enforcement Operations

Purpose

This memorandum serves to provide additional guidance originally issued on August 15, 2005, regarding the use of ruses during arrest operations. This memorandum, with forthcoming updated policy directive, applies to all Detention and Removal enforcement operations. The use of ruses in the performance of U.S. Immigration and Customs Enforcement (ICE) law enforcement mission remains a valuable and effective tool. Ruses are used by virtually every law enforcement agency in the federal government. One of the main objectives of the ruse is to prevent violators from fleeing; thereby allowing for a safe arrest that does not place the violator, the arresting officer or innocent bystanders at risk.

Discussion

The use of a ruse during an arrest involves controlling the time and location of the encounter as dictated by ICE officers. Ruses may involve impersonating employment with other federal, state, local, or private entities. As outlined in the original guidance, it is still incumbent upon the arresting officers to provide prior notice to the affected entity. This notice affords the affected entity the opportunity to raise concerns regarding the affect the ruse may have on their security or public image. The point of contact with the proposed cover entity shall be the appropriate agency head authorized for giving concurrence. A memorandum to the file shall be prepared to document these discussions.

Any issues raised by the affected entity shall be forwarded within two working days to the appropriate Headquarters Deputy Assistant Director. The Deputy Assistant Director, in consultation with the Office of Principal Legal Advisor, will consider the issues and provide guidance as appropriate.

In particular, ICE Headquarters has directed that the use of ruses involving *health and safety* programs administered by a private entity or a federal, state, or local government agency, such as Occupational Safety and Health Administration (OSHA), will be discontinued. All other ICE investigative enforcement actions requiring the use of a health or safety-based ruse must

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors

JAN 19 2010

FROM: (b)(7)(C),(b)(6)
Acting Director

(b)(7)(C),(b)(6)

SUBJECT: Documentation of Consent in Enter and Search

Purpose

This memorandum establishes guidance for Detention and Removal Operations (DRO) officers regarding documentation of consent to enter and/or search a premise, or other constitutionally protected location, when consent is required in accordance with the Fourth Amendment. The Detention and Removal Operations mission promotes public safety and national security by ensuring the departure of all removable aliens from the United States through the fair and effective enforcement of the nation's immigration laws. During the execution of this mission, officers often possess only administrative arrest authorities pursuant to a Warrant for Arrest of Alien (I-200). As such, officers will often find themselves in circumstances requiring informed, voluntary consent to enter and/or conduct a search of a residence, vehicle or other constitutionally protected location in compliance with the Fourth Amendment.

Discussion

When consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent. The FOW shall be kept with other investigative case related materials for future reference. Also, if an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form I-213).

Additional inquiries, please contact the NFOP Unit Chief (b)(7)(C),(b)(6) at (202) 732- (b)(7)(C),(b)(6) or email her at (b)(7)(C),(b)(6)

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors

JAN 19 2010

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Acting Director

(b)(7)(C),(b)(6)

SUBJECT: Documentation of Consent in Enter and Search

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Additional inquiries, please contact the NFOP Unit Chief (b)(7)(C),(b)(6) at (202) 732-(b)(7)(C) or email her at (b)(7)(C),(b)(6)



U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: All ICE Employees

FROM: John Morton
Director

SUBJECT: Statement of Policy and Intent Regarding Employee Integrity

I write to remind all employees of the special public trust and confidence that we must all honor as we go about our important business as representatives of U.S. Immigration and Customs Enforcement (ICE). As a federal law enforcement agency entrusted with upholding the Constitution and enforcing the customs and immigration laws of this nation, all ICE employees must exhibit the highest standards of integrity and professionalism in their conduct and interaction with the public.

The professional conduct of employees should demonstrate the qualities of integrity, honesty, and loyalty to the United States, a deep sense of responsibility for the public trust, promptness and courtesy in dealing with and serving the public, and a standard of personal behavior that reflects positively upon, and will be a credit to, all employees of ICE and the United States Government.

All employees, regardless of position or rank, are accountable for their choices and actions. Employees who violate the public trust for personal gain or other personal motives, or who compromise their integrity, undermine how the public views them, their co-workers and, in turn, the entire agency. Failure to demonstrate the highest standard of integrity can also interfere with ICE's ability to further the mission that you faithfully carry out each and every day. Consequently, ICE employees must not engage in any conduct or activities that would discredit them, bring ICE into disrepute, or impair the agency's efficient and effective operation.

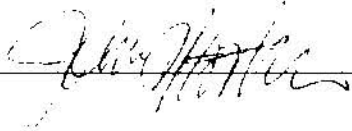
This memorandum should also serve as a reminder that ICE employees must abide by applicable ICE policies and other rules that govern their conduct at all times, in the United States or abroad. Regardless of local laws or regulations, employees who are permanently stationed abroad or on official travel abroad must abide by the laws, rules, and regulations of the United States. Any ICE employee on official travel abroad is also subject to any rules set forth by the applicable Chief of Mission.

Ethics rules and related policies governing the conduct of ICE employees are available on our website. The ICE Ethics Office and the Office of Professional Responsibility are always available to answer any questions you may have and provide guidance on ethics and prohibited conduct.

Statement of Policy and Intent Regarding Employee Integrity

Page 2 of 2

By the authority vested in me as Director of U.S. Immigration and Customs Enforcement, I direct the foregoing policy and intent regarding integrity be communicated to the workforce through the leadership of ICE and implemented forthwith.

Signature  Date 5/29/12

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

1033.1: Employee Code of Conduct

Issue Date: August 7, 2012

Effective Date: August 7, 2012

Superseded: This Directive is the originating and establishing document regarding the U.S. Immigration and Customs Enforcement (ICE) Employee Code of Conduct. This Directive supersedes all previous U.S. Immigration and Naturalization Service or U.S. Customs Service issuances, but does not supersede the authorities or references listed in section 7 of this Directive. Additionally, this Directive supersedes any and all local guidance and procedures that are inconsistent with this Directive.

Federal Enterprise Architecture Number: 306-112-002b

1. **Purpose/Background.** As a law enforcement agency, ICE and all its employees have been given the honor of a special public trust. It is imperative that everyone at ICE respect this special public trust by exercising their power and authority with integrity. This includes building and maintaining the trust and confidence of the nation's citizenry; their support enhances ICE's ability to accomplish its mission. To accomplish this, all ICE employees' professional behavior must be beyond reproach and be a model for all to follow. All ICE employees must clearly understand that they are not only representing themselves, but also their co-workers, ICE, and the Federal Government, and that the highest standards of conduct and ethical behavior are required. The purpose of this Directive is to set forth general standards of conduct for all ICE employees to follow that promote integrity and professionalism, conform to established ethical principles, and further the mission of ICE and the efficiency of the Federal government in a manner that merits the respect of the public we serve.
2. **Policy.** To maintain the highest standards of integrity and professionalism at ICE, all employees, whether on- or off-duty or on official travel, must conduct themselves in a manner that does not adversely reflect on ICE; impede the ability of ICE or DHS to discharge its mission; cause embarrassment to the agency; or cause the public or ICE to question the reliability, judgment, or trustworthiness of its employees. All ICE employees will carry out their duties in a professional and business-like manner and will adhere to this Directive and any other applicable policies, statutes, rules, or regulations that govern conduct at all times, in the United States or abroad, whether or not they appear in this Directive. Employees are accountable for their actions and are subject to appropriate disciplinary action for misconduct when there is a nexus, i.e., connection, between their misconduct (on- or off-duty) and the efficiency of the service. Depending on the circumstances, failure to adhere to this Directive may result in disciplinary, adverse, or other corrective action. This Directive does not prohibit conduct that is protected by federal law.

3. Definitions. None.

4. Responsibilities.

4.1. The Director of ICE is responsible for establishing the Code of Conduct for all ICE employees.

4.2 The ICE Ethics Office is responsible for:

- 1) Advising ICE employees on their ethics obligations.
- 2) Responding to employees' questions concerning potential conflicts between their official responsibilities as government employees and their personal activities or other ethics questions, such as outside employment, fundraising, and giving/receiving gifts.

4.3. Supervisors are responsible for:

- 1) Ensuring that all employees receive and acknowledge receipt of a copy of this Directive within the first pay period of their employment and are made aware of any updates or amendments within one pay period of issuance.
- 2) Providing positive leadership and serving as a role model for their employees by complying with the Directive.
- 3) Treating fellow ICE employees with dignity and respect.
- 4) Communicating to their employees that discrimination, harassment, a hostile work environment, and retaliation will not be condoned or tolerated.
- 5) Taking action promptly to notify the Office of Professional Responsibility (OPR) of known or suspected arrests, criminal activity, or serious misconduct on the part of employees.
- 6) Addressing allegations of less serious misconduct in accordance with ICE policy.

4.4. ICE Employees are responsible for:

- 1) Reviewing and abiding by this Directive.
- 2) Being aware of the consequences of violating this Code of Conduct, applicable statutes, regulations, and rules regarding employee conduct.
- 3) Complying with the Standards of Ethical Conduct for Employees of the Executive Branch (5 Code of Federal Regulations (C.F.R.) Part 2635), and the Federal Criminal Conflict of Interest statutes (18 United States Code §§ 201-209).

- 4) Reporting employee misconduct, including arrests and violations of law, rule, or regulation, in accordance with established policies and procedures.
 - 5) Timely filing of any required public or confidential financial disclosure and completing required ethics training.
 - 6) Seeking advice and guidance as needed from their supervisor concerning their responsibilities under this and other policies governing employee conduct.
 - 7) Completing the ICE Ethics Orientation for new employees within 90 days of starting employment at ICE, and annually completing required Ethics and Prevention of Sexual Harassment training courses.
 - 8) Seeking advice and guidance as needed from the ICE Ethics Office concerning potential conflicts between their official responsibilities as government employees and their personal activities.
5. **Procedures/Requirements.** All ICE employees must abide by the standards of conduct set forth in this Directive. ICE employees must understand that this is not an exhaustive list. The absence of a specific standard of conduct does not mean that the unspecified behavior is permissible or that no corrective action will be taken as a result from unspecified misconduct. Employees must comply with all applicable statutes, rules, policies, and regulations, and must not commit any of the offenses listed in the ICE Table of Offenses and Penalties.

5.1. **Conduct Unbecoming of an ICE Employee.**

Because we are entrusted with enforcing the Constitution and laws of the United States, all employees must scrupulously avoid any conduct that might compromise their integrity or that of their fellow employees or ICE. ICE employees must not engage in any conduct or activities on- or off-duty that would discredit the employee, embarrass or bring ICE into disrepute, interfere with or adversely affect ICE's mission, or impair its efficient and effective operation.

5.2. **Loyalty.**

Public service is a public trust. Each ICE employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain.

5.3. **Truthfulness.**

ICE employees must be accurate, complete, and truthful in all official matters. ICE employees must not make any misleading or ambiguous statements about official matters that are designed to deceive or mislead others unless it is necessary in connection with an

official assignment. This includes cooperating with official inquiries and providing complete and accurate information in regard to any issue under investigation.

5.4. Courtesy.

ICE employees must be professional, polite, respectful, considerate, helpful, and patient in all official activities that involve contact with fellow workers or members of the public, even in the face of considerable provocation.

5.5. Professionalism.

As part of ICE's responsibility for maintaining a safe, respectful, and productive work environment, employees must display professionalism in their work at all times. All employees must be treated equally, regardless of age, disability, race, marital status, sex, sexual orientation, color, religion, political beliefs, national origin or descent.

Employees may not harass their co-workers or engage in gender-based or sexual harassment in the workplace. They may not abuse in any way their position towards a person who is dependent upon them, including their subordinates. ICE does not tolerate workplace violence including fighting, threats (verbal, visual, or written), or other disruptive behavior or language.

5.6. Ethical Responsibilities.

To ensure that every citizen can have complete confidence in the integrity of the Federal Government, all employees must comply with the Standards of Ethical Conduct for Employees of the Executive Branch found at 5 C.F.R. Part 2635.

5.7. Prohibited Associations and Establishments.

ICE employees may not knowingly and inappropriately interact or associate with any persons or organizations actively connected to or engaged in criminal or unlawful activity unless it is necessary as part of an official assignment. ICE employees may not engage in any inappropriate social, sexual, financial, or business relationship with an informant, former informant, or suspected or known criminal. Employees also may not knowingly employ individuals who do not have lawful immigration status in the United States.

5.8. Use of Alcohol and Drugs.

ICE employees may not use illegal substances and may not use legal substances, including alcohol, in a manner that adversely affects the performance of their duties. Employees must not operate government vehicles under the influence of alcohol or other substances that impair operation of government vehicles.

5.9. Gambling.

ICE employees may not engage in any gambling activity while on duty or on Government-owned or -leased property, including gambling on the internet, having an office pool, or conducting any game with financial stakes.

5.10. Attempted Bribes.

Offers of bribery represent direct attacks on the integrity of ICE. If a bribery overture is made, ICE employees must report such activity immediately to the local OPR office by telephone: 1-877-246-8253, or by email Joint.Intake@dhs.gov. ICE employees may also report such activity to the DHS Office of Inspector General.

5.11. Financial Obligations.

ICE employees are expected to meet all just financial obligations and must not knowingly enter into debts they cannot pay. A "just financial obligation" is one that employees have acknowledged or one where there is a final order requiring payment.

5.12. Proper Use of Government Property.

ICE employees must be good stewards of government property and must conserve, protect, and dispose of such property in accordance with the established procedures. In addition to disciplinary or adverse action, employees may also be responsible for paying for damage to, or loss of, government property in their care. Any lost, damaged, or stolen property (including firearms and badge/credentials) must be reported to the appropriate supervisor as soon as possible.

5.13. Use of Badges, Credentials, Official Identification.

Badges, credentials, and official identification cards must be used only for official purposes.

5.14. Safeguarding and Use of Information, Documents and Records.

Employees will properly handle Government records in accordance with ICE and DHS policies including those governing the handling of Sensitive Personally Identifiable Information, Sensitive Security Information, Classified Information, or For Official Use Only/Sensitive but Unclassified information.

5.15. Standard of Attire.

ICE employees must present a professional and positive image to the public and our colleagues both within and outside of ICE. While on official duty, employees must adhere to any applicable dress code policy where they are stationed.

5.16. Reporting Violations of Laws and Employee Misconduct.

Employees have a responsibility to report allegations of employee misconduct, including any violations of law, rule or regulation, of which they are aware. Employees must promptly report to their supervisor and OPR if they are arrested or charged formally in connection with any violation of a federal, state, or local law. Routine traffic tickets do not need to be reported unless the violation is drug or alcohol related (e.g., DUI charges). Reporting must be done in accordance with existing laws and policies.

5.17. Official Travel.

ICE employees must abide by this Code of Conduct and all DHS or ICE policies while stationed abroad or on official travel, even if the prohibited behavior would be permissible under local laws. Any ICE employee on official travel abroad is also subject to any rules set forth by the applicable Chief of Mission.

6. Recordkeeping. None.

7. Authorities/References.

- 7.1.** Sections 402(3) and 402(5) of the Homeland Security Act of 2002.
- 7.2.** 18 U.S.C. §§ 201-209.
- 7.3.** 5 U.S.C. §§ 7321-7326 (The Hatch Act) and implementing regulations at 5 C.F.R. Part 734.
- 7.4.** Stop Trading on Congressional Knowledge Act of 2012 (Stock Act), Public Law No. 112-05.
- 7.5.** 5 C.F.R. Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch.
- 7.6.** 5 C.F.R. Part 2634, Executive Branch Financial Disclosure, Qualified Trusts and Certificates of Divestiture.
- 7.7.** 5 C.F.R. Part 950, Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations.
- 7.8.** 5 C.F.R. Part 735, Employee Responsibilities and Conduct.
- 7.9.** Department of Homeland Security Management Directive 0480.1, "Ethics/Standards of Conduct."
- 7.10.** ICE Directive 17001.1 (formerly directive 6-1.0), "Functions of the Office of Professional Responsibility."

- 7.11. ICE Directive 1022.1 (formerly directive 1-15.0), "Table of Offenses and Penalties (TOP)."
 - 7.12. ICE Directive 1027.1, "Romantic or Sexual Relationships between ICE Supervisors and their Subordinates (Anti-Fraternization Policy)."
 - 7.13. ICE Directive 1032.1, "Statement of Policy and Intent Regarding Employee Integrity."
 - 7.14. ICE and Customs and Border Protection joint memorandum, signed by the Commissioner of CBP and the Assistant Secretary of ICE dated July 2, 2004, titled, "Guidance on Reporting Employee Misconduct."
 - 7.15. ICE memorandum, signed by ICE Deputy Director Peña dated November 10, 2010, titled, "Directing Complaints Appropriately to the Joint Intake Center (JIC), the Office of Professional Responsibility (OPR), the Office of the Inspector General (OIG), or Local Management."
 - 7.16. ICE Employees' Guide to the Standards of Conduct.
8. **Attachments.** None.
9. **No Private Right.** These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.



John Morton
Director
U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

OCT 25 2013

MEMORANDUM FOR: Career and Non-Career Senior Executive Service Members
and Schedule C Employees

FROM: Daniel H. Ragsdale *[Signature]*
Deputy Director

SUBJECT: Ethics Exit Brief

U.S. Immigration and Customs Enforcement (ICE) is committed to the highest standards of professional conduct and expects all ICE employees to adhere to these standards. As the most senior and high-profile employees of this agency, we hold positions vested with the trust and confidence of the talented workforce that we lead and the American public whom we serve and protect. Consistent with these principles, it is the obligation of all federal employees to act in accordance with the Executive Branch Standards of Conduct and general post-government employment service restrictions, as codified in 18 U.S.C. §§ 208 and 207, 41 U.S.C. §§ 2101-2107 and 5 CFR § 2635.

The rules regarding post-government employment (cited above) can be complex and difficult to navigate. In order to help employees understand how the rules apply to them and to ensure compliance, all career and non-career Senior Executive Service (SES) members and Schedule C employees must receive an ethics briefing by an ICE Ethics attorney prior to departing the agency for employment with a non-federal entity. Upon departure from federal service, the required exit clearance forms will be noted as having completed the requirement. Those SES and Schedule C employees transferring within the Federal Government do not need to be briefed but are required to check-out with an ICE Ethics attorney.

The ethics exit briefing will cover important and highly relevant topics, such as potential conflicts of interest while seeking future employment, post-government employment service restrictions, obligations under the Stop Trading on Congressional Knowledge (STOCK) Act, and financial disclosure filing requirements.

Please contact the ICE Ethics Office at (b)(7)(E) in the early stages of planning for post-government employment to take full advantage of their advice and assistance.

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

DEC 08 2009

MEMORANDUM FOR: Field Office Directors and
All Fugitive Operation Team Members

FROM: John Morton
Assistant Secretary 

SUBJECT: National Fugitive Operations Program: Priorities, Goals, and
Expectations

Purpose

This memorandum serves to clarify the enforcement priorities of the National Fugitive Operations Program (hereinafter the program) within the Office of Detention and Removal Operations (DRO) and supersedes previously issued fugitive operations guidance. The existence and continuation of this program are essential to the integrity of the immigration and border controls. Good government is poorly served if, after much time and the expenditure of government resources, final orders of removal are ignored without consequence. Indeed, the sound administration of the nation's immigration system depends on an efficient, fair, and meaningful removal process. As a result, it is the clear policy of this agency that final orders of removal should be enforced and that those who knowingly disobey or evade a final order of removal should be apprehended and removed.

In order to ensure that the program's resources are used efficiently and as envisioned by Congress, it is the policy of this agency that the program focus on its core mission—the apprehension and removal of fugitive aliens.¹ In the interest of public safety and the rule of law, the program's resources may also be used to apprehend and remove (1) aliens who have been removed previously from the United States and then return illegally, and (2) criminal or otherwise dangerous aliens living at large in our communities. As a general rule, the program's resources should not be used to target other classes of removable aliens, although fugitive operations teams may apprehend and remove such aliens if encountered during normal operations.

¹ A fugitive is any alien who has failed to leave the United States following the issuance of a final order of removal, deportation, or exclusion or has failed to report to ICE after receiving notice to do so.

Enforcement Priorities

The following three tiers reflect, in order of priority, how fugitive operations teams should focus their resources. Teams must focus the vast majority of resources, at least 70%, on tier 1 fugitives. The remainder should be directed to tiers 2 and 3. The priorities within each tier are also listed below, with level I generally warranting more attention than level II, and so forth. These tiers and levels provide clear guidance to the field but should not be applied so rigidly as to undermine sound judgment when exceptions are warranted by circumstance.² Similarly, the tiers should not be so rigidly interpreted to prevent prioritizing an illegal reentrant with a serious criminal conviction over a fugitive with no criminal history.

Tier 1 Fugitive aliens

- I. Fugitives who pose a threat to national security
- II. Fugitives convicted of violent crimes or who otherwise pose a threat to the community
- III. Fugitives with a criminal conviction other than a violent crime
- IV. Fugitives with no criminal conviction

Tier 2 Previously removed aliens

- I. Previously removed aliens who pose a threat to national security
- II. Previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community
- III. Previously removed aliens with a criminal conviction other than a violent crime
- IV. Previously removed aliens with no criminal conviction

Tier 3 Removable aliens convicted of crimes

- I. Aliens convicted of level 1 offenses, as defined for purpose of Secure Communities
- II. Aliens convicted of level 2 offenses, as defined for purposes of Secure Communities
- III. Aliens convicted of level 3 offenses, as defined for purposes of Secure Communities

With respect to non-criminal fugitive targets in Tier 1, level IV, the Fugitive Operations Support Center (FOSC) and teams should consider that aliens who are the subject of in absentia orders and aliens with pending applications for relief before U.S. Citizenship and Immigration Services are more likely to have viable motions to reopen. For that reason, resources—particularly detention resources—may be better focused on other targets, unless aggravating circumstances offset the possibility of reopening or prolonged proceedings.

To promote efficiency, teams are expected to focus resources on cases with the most current investigative leads, including cases with the most recently issued final orders as these are most

² These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

likely to contain up-to-date contact information. These should be targeted as soon as possible to limit the opportunity for a fugitive to relocate. Teams are expected to act expeditiously if they receive current, time-sensitive leads.

As resources are best spent on cases with the freshest and most reliable leads, FOSC has created a cold case docket for those cases without any investigative leads in the past decade. FOSC will review the cold case docket twice a year to determine if new information has surfaced. New information may cause FOSC to conclude the case is resolved (for instance, because the case was reopened) or return it to the active fugitive docket (for instance, because of new information about the alien's location).

Teams will receive Fourth Amendment training every six months which will focus on the special considerations when apprehending fugitives at their home. Any team member with questions should consult his or her supervisors and consult with the Office of Chief Counsel. Team members are encouraged to engage in surveillance both to promote officer safety and increase the likelihood the team will encounter the targeted alien—rather than aliens who are not in the tiers above and would not otherwise have been the focus of limited government resources.

If during the course of operations teams encounter removable aliens, teams may place those aliens into removal proceedings, even if they are not in one of the three tiers. However, this should not detract attention away from the reason Congress mandated and funded fugitive operation teams—the apprehension and removal of fugitive aliens. In any event, detention resources shall be focused on aliens in the three tiers above and aliens subject to mandatory detention by law. Absent extraordinary circumstances, team members should not detain aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing, or the sole caretaker(s) of children or the infirm. To detain aliens in those categories, team members must secure approval from the Field Office Director and send a significant event notice (SEN) to headquarters.

Measuring Success

As apprehending and removing fugitives is the program's core mission, field offices' performance will be measured in part by the reduction in the fugitive docket and by compliance with priorities. Each field office and the FOSC should strive to reduce the pool of fugitives by 5% more in FY 2010 than it did in FY 2009. A field office may increase productivity—the reduction in the fugitive pool—by apprehending fugitives or otherwise resolving fugitive cases, even if no arrest is involved. This includes resolving cases by determining that a target has departed the country on his or her own or determining that the case was reopened or the target has since received an immigration benefit. Field offices should not feel such pressure to meet this goal that they lose focus on the priorities and sound use of resources. This goal does not constitute a quota; rather, this goal allows the teams to gage their productivity.

The field should not focus on numbers to the detriment of targeting and arresting the most egregious, violent offenders in their area of responsibility (AOR). To acknowledge the tiered prioritization above, DRO also will track fugitive arrests, by tier, using (b)(7)(E) Arrests will be separated by tiers, criminal and non-criminal arrests, and indictments and

convictions attributed to teams during operations. This system will credit teams for locating high priority aliens, even if those cases require more time to investigate and close.

Field offices are expected to focus not simply on the apprehension of aliens, but also on their removal. Headquarters will evaluate removals in addition to the metrics above. When fugitives are taken into custody, officers should pay attention to lawful avenues to secure the person's travel documents to reduce detention times and facilitate removal.

Field and National Operations

Field offices have the discretion to conduct operations to advance the program's priorities and accomplish the goal of reducing the fugitive pool. Field offices are encouraged to participate in Operation Cross Check and Operation Secure Streets in collaboration with local United States Attorney's offices. These operations are important as they identify criminal aliens who fall within the three tiers above. Field offices also will be called on to participate in national and strategic headquarters-driven operations. Major operations, whether driven by the field or headquarters, will be coordinated with the Office of the Principal Legal Advisor.

Building Partnerships

Field Office Directors and team members are encouraged to maintain and build positive relationships with federal, state, local, and tribal law enforcement agencies in their AOR. This includes information sharing, consistent with law and policy. Team members are encouraged to advise, and cooperate with, local law enforcement partners when conducting operations. Field Office Directors will coordinate with any local participants in the task force model of the 287(g) program to share information and avoid duplication of efforts.

Field Office Directors also are expected to build relationships with community groups to identify and address concerns about the conduct of fugitive operations. Allegations of misconduct and wrongdoing are referable to the Joint Intake Center (JIC).

- 3) Field offices seeking bed space in other field office jurisdictions should phone the request (or e-mail with a follow-up phone call) with sufficient details of the case to the designated field office contact.
- 2) While field offices are encouraged to communicate directly regarding available bed space, the headquarters Removal Management Division (RMD) is available to assist a field office that has unsuccessfully attempted to locate space.
- b) Provide the names and contact numbers of staff responsible for handling transfers.
- a) Establish a means of communication so that receiving field offices provide sending field offices daily information regarding available bed space; and
- 1) FOIs or their designees are responsible for ensuring that field offices which routinely transfer cases:

5.4. Requests for Bed/Designation Transfers from Field Office to Field Office:

- 4) EOIR notification. If a detainee has pending proceedings before EOIR, ICE must submit Form I-850, *Notice to EOIR, When Applicable*. If the alien has an appeal pending with Bureau of Immigration Appeals (BIA), the BIA must be notified. In all cases, a copy of Form I-850 will be placed in the A-file.
- d) ICE will make sure that the detainee acknowledges, in writing, that they have received the transfer destination information and that it is their responsibility to notify family members if so desired, upon admission into the receiving facility.
- e) At the time of the transfer, ICE will provide the detainee, in writing, the name, address, and telephone number of the facility to which they are being transferred, using the Detainee Transfer Notification form. ICE will place a copy of the form in the detainee's A-file.
- ii) The appropriate comments screen in (b)(7)(E)
- i) The Detainee Transfer Notification form; and
- b) The sending office will ensure that the detainee notification is documented in:
 - iii) Is notified that upon admission into the receiving facility, the detainee may place a domestic phone call, at no expense to the detainee;
 - iii) Does not have contact with any detainee in the general population until the detainee reaches the destination facility; and
 - i) Is not permitted to make or receive any telephone calls until the detainee reaches the destination facility;



U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: Field Office Directors

FROM: (b)(6),(b)(7)(C)
Acting Director

SUBJECT: Operation Predator Notices for Interpol

Purpose

Recently, each Field Office Director received a list of Operation Predator cases identified for their respective area of responsibility as well as instructions for completing Interpol Green Notice applications on each case. This memorandum serves as follow-up to that message and establishes policy for future case preparation in regards to cases removed pursuant to Operation Predator.

Background

The location, apprehension and removal of Operation Predator violators continues to be a priority for Immigration and Customs Enforcement (ICE). It is ICE's intent to ensure that these predators do not prey upon others upon their return to their country of origin. In light of this, an agreement has been reached between ICE/DRO and Interpol, U.S. National Central Bureau (NCB). Interpol-NCB will post Operation Predator cases in their database and provide Green Notice flyers to law enforcement agencies internationally to ensure these cases get the attention they require.

Discussion

Interpol maintains a system of five color-coded advisory notices on individuals and another five advisories for criminal operations (groups), property and criminal activities. All Interpol notices are available internationally through their database but, for the most part, their active distribution is restricted to locations where the subject of the advisory is likely to be encountered.

A Green Notice is an Interpol generated advisory that "provides information on career criminals who have committed, or are likely to commit, offenses in several countries (habitual offenders, child molesters, pornographers)". Operation Predator cases meet this definition. Interpol will be made aware of Operation Predator cases through the completion of Green Notice applications (attached).

Operation Predator Notices for Interpol

Page 2

Action

Effective immediately, a Green Notice Application will be completed at the time the Request for Escorted Country Clearance (RECC) is made. The application, together with a photo and a full set of prints, should be sent electronically to the HQFUGOPS mailbox, or, if not possible, by FEDEX to: DHS/ICE/DRO, 801 "I" Street, NW, Suite 800, Washington, D.C. 20536 Attn: HQFugOps/Interpol once the subject has been formally removed. A copy of the application is to remain in the A-file annotated with the date the application was forwarded to HQFUGOPS as well as the date of removal.

Efforts are currently underway to create the form electronically. In the interim, the application will be made available through the intranet at (b)(7)(E)

If you should have any questions, please contact (b)(6),(b)(7)(C), Chief, HQ Fugitive Operations at (202)353 (b)(6),



U.S. Immigration and
Customs Enforcement

ICE
ACADEMY

Sources of Information
Field Operations Training Program

Course Purpose

Knowing where to find a source of information and how to use it correctly, whether it be on the intranet, internet or in an internal or external database does the following:

- ensures that officers are conducting their field operations within the parameters of law;
- reduces the amount of time required to work target locate investigation, and;
- ensures that cases are being processed correctly for administrative and criminal proceedings and for statistical tracking.



Terminal Performance Objective

Given an A-file for an alien target, the officer will be able to complete a target folder for field operations, in accordance with ICE ERO policies and procedures.



Enabling Performance Objectives

- Review an A-file for the purpose of locating a target alien and determine which sources of information to search in furtherance of a target locate investigation.
- Utilize various government computer databases for retrieval of investigative leads and systems updating.
- Access and navigate the CLEAR web based application to retrieve investigative leads to prepare casework for a field operations work folder.



Enabling Performance Objectives

- **Locate information available from other online sources for retrieving investigative leads**
- **Complete a target locate work folder for field operations or referral to FOSC for cold case monitoring or closure**
- **Complete the post procedures for a target locate arrest.**



What YOU will do during this course

- ☐ Review one or more live field operations cases to ascertain removability and obtain investigative leads.
- ☐ Run every mandatory live systems check for your target and print copies for a Target Work Folder (TWF).
- ☐ Run CLEAR checks for your target.
- ☐ Complete an FOW for your target case.
- ☐ Create a completed TWF for at least one live case to be worked by the FOT with apparent AOR for that target.



How this course will run

- ☐ Instructor will demonstrate each block of reviews and checks using a live field operation case and databases.
- ☐ Students will then independently conduct the reviews and checks of the live case files and databases and then have the student.
- ☐ After conducting all required checks, printing, tabbing and placing copies in the TWF, students will give their TWF to an instructor for review and check off by the end of each class.
- ☐ The TWF work up will culminate in completion of an FOW, which will be reviewed for accuracy.
- ☐ Skills learned during this course will be assessed during your final Practical Exercises with TWFs that will be issued to your teams.



(b)(6),(b)(7)(C)

Locate and Obtain Administrative Files

NFTS

- Application files also tracked in NFTS
- If NFTS says (b)(7)(E) then go to EDMS

EDMS

- Most will be saved under supplemental

May need to revisit these databases if additional files are found for your subject or for individuals pertinent to your investigation



(b)(7)(E)

(b)(7)(E)

Review A-File(s)

While reviewing file, tab documents that contain information you may need later to complete your FOW

Look at every page of the file, start from the bottom

Assure the person is a final order or ERO civil enforcement priority. Some documents to look for:

- NTA or other Charging Document
- IJ order (no appeal period pending)
- BIA or circuit court appeal
- CIS applications (TPS, STAYS, relative petitions)
- Extensions of voluntary departure (I-210)
- Warrant of Deportation I-205 or Arrest I-200



Review A-File (s)

Biographical information

Note important leads on G-166C

- Addresses and address history (LKA, relatives, work)
- Alias
- DOB / POB
- DOE
- SSN
- Passport/citizenship
- Vehicles
- Parents, siblings, children, and other relatives
- A-numbers for all relatives
- Membership in groups, military, etc
- Photo and finger prints
- Work history
- Medical history



Review A-File(s)

What is your target's immigration history?

- Determine what databases you will search to obtain investigative leads (eg. alien entering on student visa, check (b)(7)(E))
- Lawful entrants will have some type of paper trail, e.g.:
 - Visas, petitions, applications in the file
 - NIV - I-94/visa in passport (check US VISIT)
 - LPR – I-551/I-130/I-485 (check CLAIMS & CPMS)
- Unlawful entrants will have some type of encounter information with Immigration unless you are the first to encounter them. i.e.:
 - I-213s
 - (b)(7)(E) record
 - Asylum application



Review A-File (s)

Is your target criminally involved?

- Determines Secure Communities/case load priority
- Look in the file (s) for the following:
 - Criminal history
 - State ID and FBI #
 - Conviction documents (jurisdiction)
 - Possible victim information
 - Probation / Parole information
- Tells you:
 - Which states you will need to follow up with (b)(7)(E)
 - Which agencies you will need to follow up with for records (i.e. courts, PDs)



Board of Immigration Appeals (BIA)

- 1-800-898-7180
- BIA Case Inquiry
- Full BIA Case Decisions for printing
- Legal aid list



(b)(7)(E)

(b)(7)(E)

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(b)(7)(E)

ORDER:

PER CURIAM. This case was last before the Board on August 29, 2003, when we granted the respondents' motion to reopen in order to apply for adjustment of status based upon a labor certification application filed on behalf of the lead respondent's husband, and remanded the record to the Immigration Judge for further proceedings in that regard. The Immigration Judge has now certified the case to the Board.

According to the record, the employer sponsoring the labor certification application upon which the respondents' adjustment of status applications were based became financially incapable of sponsoring the lead respondent's husband as an employee. As a result, the labor certification application is no longer pending before the Department of Homeland Security ("DHS," formerly the Immigration and Naturalization Service), and the respondents are not currently eligible for adjustment of status.

This case was previously before the Board on February 6, 2003, when we summarily affirmed the Immigration Judge's August 10, 1999, decision denying the lead respondent's applications for asylum and withholding of removal under sections 208 and 241(b)(3) of the Immigration and Nationality Act, 8 U.S.C. §§ 1158 and 1231(b)(3), and withholding of removal under the Convention Against Torture, 8 C.F.R. §§ 1208.16-18 (2004). The Board's February 6, 2003, decision is the final administrative decision in this case.

Accordingly, as there are no longer any unadjudicated matters or issues pending before this Board, the record is returned to the Immigration Court without any further action by the Board

CIS

Central Index System

- 9103
 - EXACT name search
 - F9 for Sounds-like name search; F9 for AKA search
- 9102
 - Sounds like search
- 9101
 - A#, SSN, FBI#, etc
 - Check for file consolidation
 - Check sequential a-numbers for additional family members
- Retrieve additional information
 - Note PF commands at bottom of screen
 - Can type other commands directly onto command bar
- CIS codes



(b)(7)(E)

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Non Responsive

Non Responsive

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During this step, USCIS initiates the background checks of the applicant/petitioner and identifies issues that may need to be addressed either during an interview or by asking

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- **EABM** - (b)(7)(E)
 - Check if alien already in (b)(7)(E)
 - Check for additional files belonging to target
 - Check for aliens processed with target
 - Possible alien in (b)(7)(E) & not CIS
 - Photos and Prints from IDENT & Booking
- **EARM** - (b)(7)(E)
 - Proper case category per HQ mandates
 - Properly docketed
- **EADM** - (b)(7)(E)
 - Detention location/visitor & phone logs/booking photo
 - Public website for ICE detainees

(b)(7)(E)

(b)(7)(E)



(b)(7)(E)

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STUDENT EXERCISE #1

REVIEW YOUR A-FILE(s)

- **Create new Target work folder**
- **Create G-166C** and note any important leads on it (i.e. family, vehicles, FBI #, DOBs, SSNs, etc)
- **Tab all** investigative leads just discussed (i.e. family, all DOBs, applications, I-213s, et all)

- ☐ I-213(s)
- ☐ Final IJ order
- ☐ BIA decision
- ☐ Other Judicial decisions
- ☐ I-205
- ☐ Photographs
- ☐ Fingerprints

- ☐ Benefits applications (i.e. I-130, I-559)
- ☐ **Family/Associate info**
- ☐ Employment info
- ☐ Misc: all names, A-#s, DOBs, and/or SSNs used; DL#s, vehicles, passport, TDs or foreign ID.



STUDENT EXERCISE #2

Run Mandatory Database Checks

Tab all records checks and note them with the date ran on your G-166C

- **BIA**
- **CIS**
- **CLAIMS**
- **ENFORCE (EARM)**

(b)(7)(E)

and NCIC will be covered in block 2



END OF BLOCK 1

Review

- Why is it important to conduct thorough review of an A-File??
- What information can you get from an A-File?
- Why are mandatory database checks important?

Preview

- Continue with Mandatory Checks
 - Confirms what is in A-file
 - Builds on information learned in the A-file



START BLOCK 2

Database Checks Continued

- (b)(7)(E) (mandatory)
- **NCIC** (mandatory)

Recommended database checks

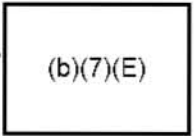
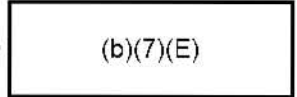
- ❖ (b)(7)(E) Automated Tracking System Passenger
- ❖ (b)(7)(E) Consular Consolidated Database
- ❖ (b)(7)(E) Public Access to Court Electronic Records
- ❖ (b)(7)(E) U.S. Visitor and Immigrant Status Indicator Technology



START BLOCK 4

Other Database Checks

(Recommended by NFOP)

- ❖  Customer Profile Management System
- ❖  (b)(7)(E) Person Centric Query System *
- ❖  Student Exchange Visitor Info. System
- ❖  (b)(7)(E) Intelligence Fusion System
- ❖  (b)(7)(E) General Counsel Electronic Management System



Mandatory checks

(b)(7)(E)



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NVLS

- (b)(7)(E) is interfacing with NVLS and that information is accessible through (b)(7)(E)
- ICE is exploring a national paid account for NVLS tier II
- Per HQNFOP, NVLS has been endorsed by HSI (policy, OPLA, etc) at the national level, and is awaiting Mr. Morton's approval
- Some FODs are already paying for the NVLS for their officers
- Signing up for the free NVLS accounts is strongly discouraged by HQ NFOP as it exposes individual officers to liability directly with that private company (e.g. - if NVLS decided to charge for services retroactively from start of service, that individual officer would be directly liable to the company). There have also been cases of ethics violations where individual ICE employees have provided endorsements to that private company which is strictly prohibited
- For further information FOD office should contact HQNFOP



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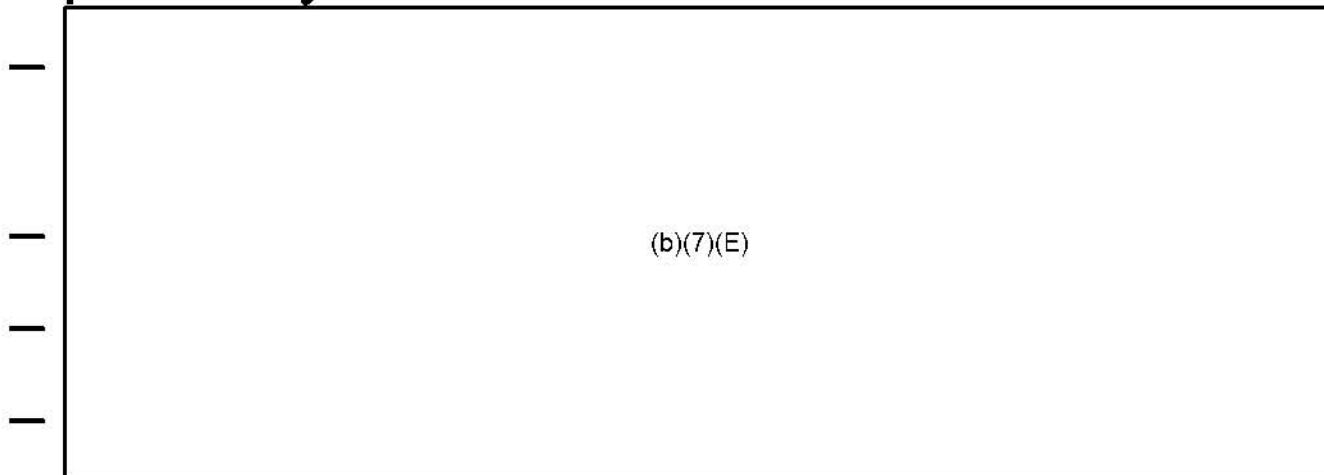
(b)(7)(E)

ATS-P

Automated Targeting System

Searches 9 + systems databases simultaneously

- SuperQuery includes:



(b)(7)(E)

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U.S. Immigration and
Customs Enforcement

ICE
ACADEMY

Basic Tactics

Terminal Performance Objective

Given a simulated breaching point and a designated entry team, Officers will demonstrate proper approach and tracking procedures for initial building entry, in accordance with the ERO Academy's training guidelines.

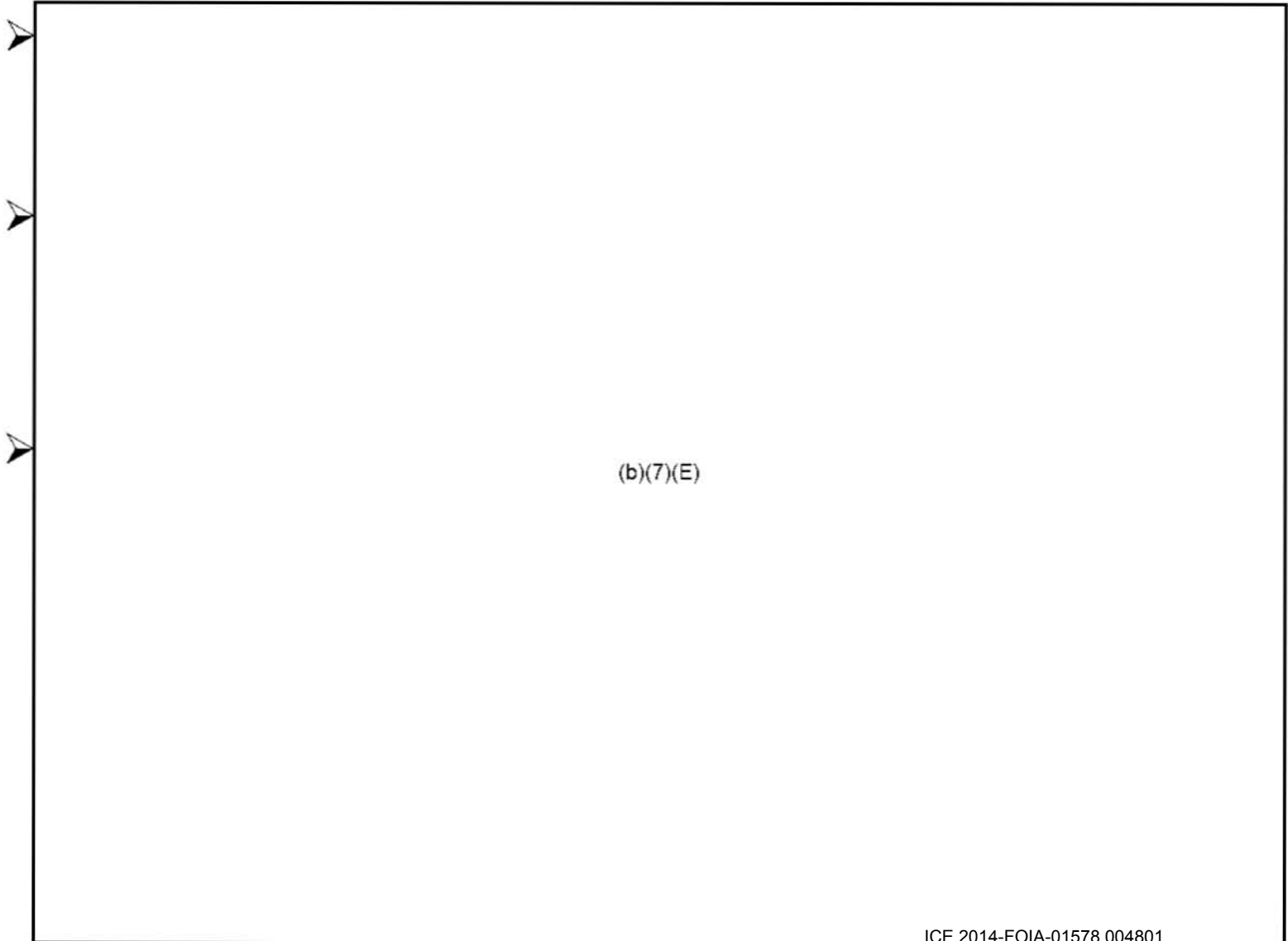


Enabling Performance Objectives

- Identify proper pre-approach procedures
- Demonstrate proper approach to the objective
- Demonstrate safe movement principals
- Demonstrate proper team stacking techniques for initial breach



Applicability of Training



Pre-Approach planning

Proper approach of a structure **MUST** be an essential consideration for ICE officers on ANY enforcement operation, regardless if a target arrest will take place outside of a courthouse or inside of a business or residence.

(b)(7)(E)



Pre-Approach planning (Approach Diagram)

(b)(7)(E)



Pre-Approach planning (Approach Diagram)

- Several factors will determine how a structure should be approached and stacked for entry, including:

(b)(7)(E)



Pre-Approach planning (Approach Diagram)

(b)(7)(E)



Pre-Approach planning

Immediately prior the operation:

(b)(7)(E)



Approach to the Objective

Approach by Vehicle

- [illegible]

(b)(7)(E)



Approach to the Objective

Vehicle Parking Options

-
-
-
-

(b)(7)(E)

Vehicle Key Options

-
-
-

(b)(7)(E)

(b)(7)(E)

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Approach to the Objective

Order of Approach

(b)(7)(E)



Approach to the Objective

Order of Approach (cont.)

Entry Team

(b)(7)(E)



Approach to the Objective

Order of Approach (cont.)

Entry Team

(b)(7)(E)



Approach to the Objective

Crossing Open Areas

-

-

-

(b)(7)(E)

-

-



Principles of Safe Movement

(b)(7)(E)



Stacking at Entry Point

(b)(7)(E)



Stacking at Entry Point

(b)(7)(E)

(b)(7)(E)



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U.S. Immigration and
Customs Enforcement

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Entry Team Stacking

In the stack (considerations and safety)

- (b)(7)(E)
-
-
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-



Entry Team Stacking

(b)(7)(E)



Summary

- Identify proper pre-approach planning procedures
- Demonstrate proper approach to the objective
- Demonstrate safe movement principles
- Demonstrate proper team stacking techniques for initial breach



THE END





U.S. Immigration and
Customs Enforcement

ICE
ACADEMY

Basic Tactics

Terminal Performance Objective

Given a simulated situation requiring an enforcement action, the officer will safely and effectively utilize basic tactics in accordance with standardized DHS procedures so as to increase officer safety and effectiveness.



Enabling Performance Objectives

- Use proper weapons handling skills
- Apply appropriate flashlight techniques in various circumstances
- Distinguish the difference between cover and concealment
- Utilize the principles of contact and cover during an operation
- Conduct a slow methodical building search
- Prepare and execute an emergency action plan and Downed Officer Recovery (Shield)





(b)(7)(E)



Officer Mindset

- Officers must have a “winning” mindset at all times.
- Officers have to make split second decisions under tense, uncertain, rapidly evolving environments.



Principles vs. Techniques

- Principles of Officer Safety should never be violated.

-
-
-
-
-

(b)(7)(E)

- Techniques and Tactics

-
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(b)(7)(E)



Weapons Handling

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(b)(7)(E)



Weapons Handling Positions

-

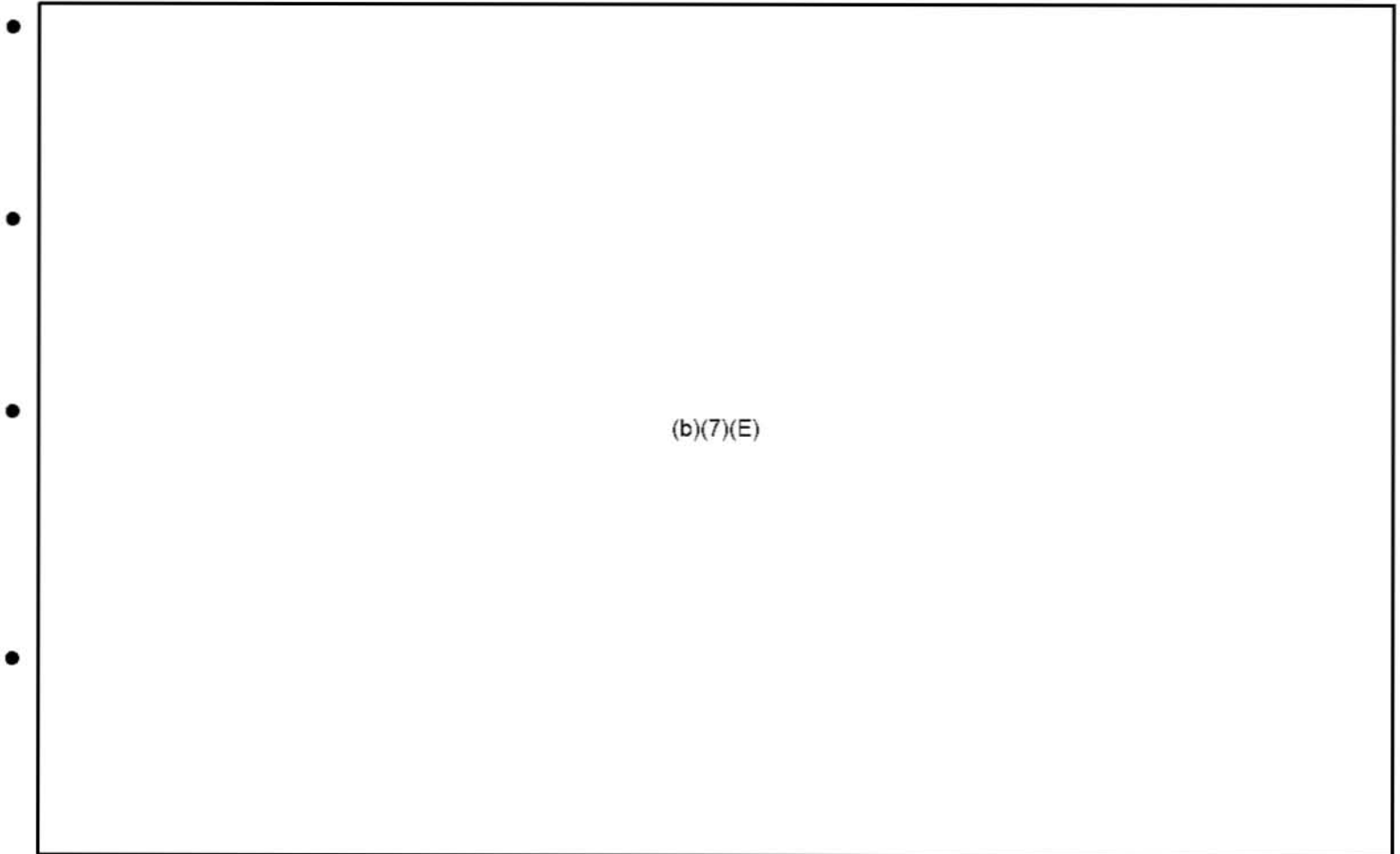
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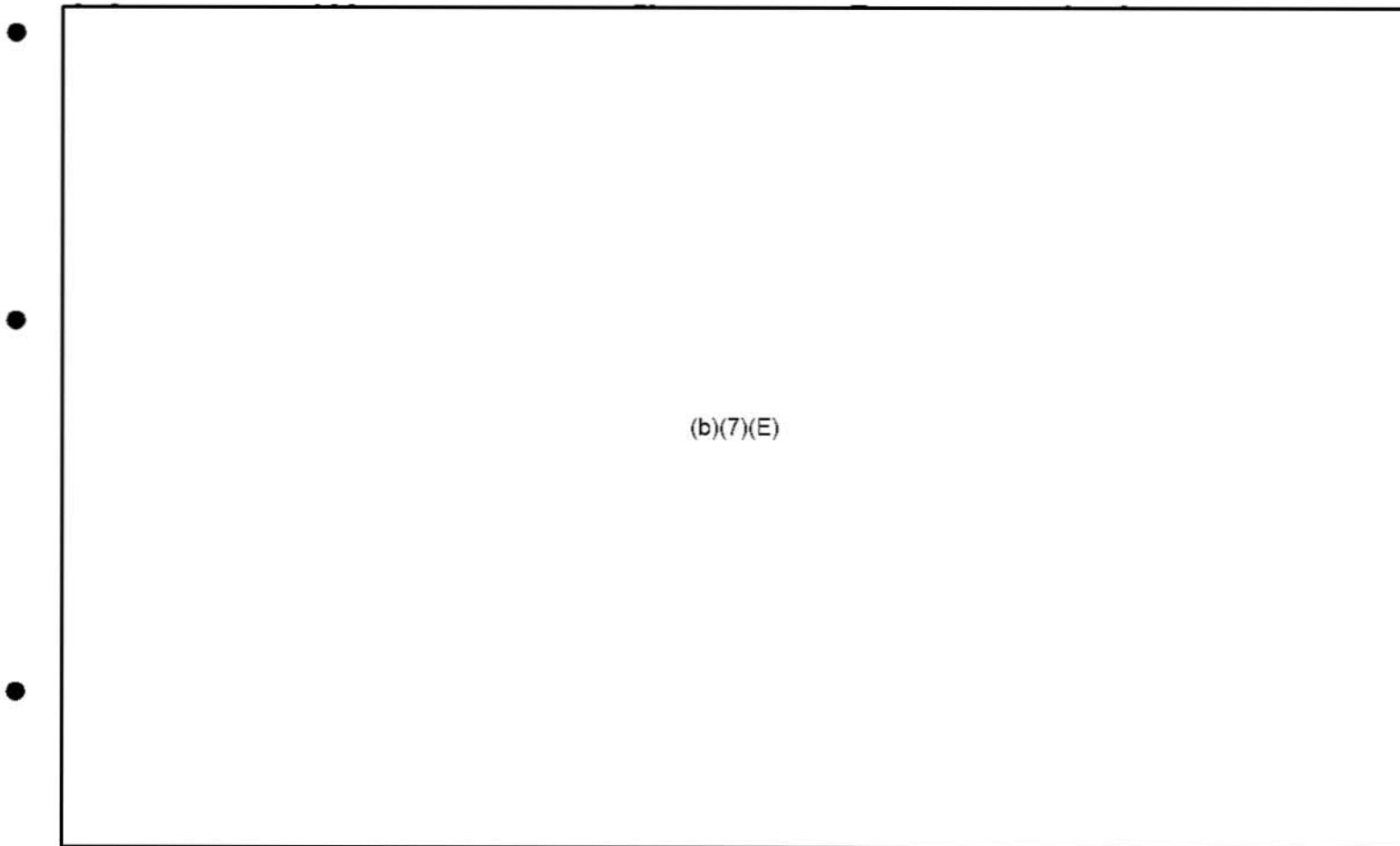
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Flashlight Techniques



Flashlight Techniques



Contact and Cover

(b)(7)(E)



Methodical Building Search

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(b)(7)(E)



Methodical Building Search

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(b)(7)(E)

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Emergency Action Plan

-

-

(b)(7)(E)



Emergency Action Plan

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(b)(7)(E)



Down and Disabled Officer Recovery with Shield

-

-

(b)(7)(E)

-

-



SHIELD

-
-
-
-
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(b)(7)(E)



SHIELD

- Reality of protection and taking rounds

(b)(7)(E)



SHIELD

-

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(b)(7)(E)



Summary

-

-

-

-

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-

(b)(7)(E)



THE END



**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
OFFICE OF TRAINING AND DEVELOPMENT**

**ICE Academy
Enforcement and Removal Operations**



BASIC TACTICS

Lesson Plan

FIELD OPERATIONS TRAINING PROGRAM

CONTROL PAGE

Developed By:

Jun 2007

(b)(6),(b)(7)(C) CDI, Advanced Training Section, ICE Academy

Signature

Content Approved By:

Month / Year

(b)(6),(b)(7)(C) Section Chief, Advanced Training Section, ICE Academy
Inch Chief – Specialties, Advanced Training Section, ICE Academy

Signature

Signature

Instructional Design Reviewed By:

Month / Year

(b)(6),(b)(7)(C) Instructional Designer, ICE OTD / IMU

Signature

Signature

Instructional Design Approved By:

Month / Year

(b)(6),(b)(7)(C) Unit Chief, ICE OTD/ IMU

Signature

Signature

~~This document is not to be released outside the Office of Training and Development or the ICE Academy without the written permission of ICE Office of Training and Development Director or his designee.~~

Record of Changes

Date of Change	A=Add. M=Mod. D=Del.	Description of Change	Reason for Change	Approved By (FN, LN, Operational Unit Chief or IMU Representative)
Jun2010	M	Changed EPOs to match drill card		(b)(6),(b)(7)(C) CDI, Advanced Training Section, ICE Academy
Dec2010	M	Changed EPO#6 to include downed officer and shield		(b)(6),(b)(7)(C) CDI, Advanced Training Section, ICE Academy
MAR/APR 2012	M D A	Changed Tactics Card, deleted information on breaching, and multiple officers stacking. Added info on Hallways; DDO shield.	Yearly review	(b)(6),(b)(7)(C) CDI, Advanced Training Unit ICE Academy

TABLE OF CONTENTS

I. LESSON TITLE	7
Basic Tactics	7
II. RISK MANAGEMENT PLAN (If Required).....	7
III. FACILITY REQUIREMENTS	7
IV. TRANSPORTATION REQUIREMENTS.....	7
None	7
V. REQUIRED STAFF.....	7
VI. ACADEMY PROVIDED TRAINING AIDS/EQUIPMENT	7
VII. STUDENT PROVIDED EQUIPMENT	7
VIII. STUDENT HANDOUTS/MATERIALS	7
IX. ATTACHMENTS.....	7
X. REFERENCES.....	7
I. Motivation	8
II. Objectives	8
III. Advanced Organizer of Main Ideas.....	8
IV. Review of Prerequisites.....	8
V. Agenda	9
I. Explanation.....	10
A. EPO #1: Use proper weapons handling skills	10
1. General guidelines.....	10
2. Body Movements.....	10
3. Positive Control of weapon	10
4. Weapons handling positions.....	11
5. Shooting Positions.....	11
6. Alternate shooting positions (Advanced Techniques).....	11
B. EPO #2: Apply appropriate flashlight techniques in various circumstances.....	11
1. General guidelines.....	11
2. Common positions.....	12
3. Use of light	12
C. EPO #3: Distinguish the difference between cover and concealment.....	12
1. Cover.....	12
2. Concealment	13
3. On Cover vs. Off Cover	13

D.	EPO #4: Utilize the principles of contact and cover during an operation.....	13
1.	Allows two or more officers to work in close proximity to each other on the same task	13
2.	The roles of the officers may change at any moment.....	13
3.	Contact Officer.....	14
4.	Cover Officer	14
5.	Position of Advantage (POA).....	14
6.	Two basic tactical formations.....	14
E.	EPO #5: Conduct a low intensity room building search.....	15
1.	Move no faster than you can assess a threat or recognize a danger area	15
2.	Entering the building	15
3.	Searching the building	15
4.	Searching rooms	15
5.	Hallways	15
6.	Holding the Hall	15
7.	Hierarchy of threat	15
8.	Danger areas.....	16
9.	Cornering Technique	16
10.	Employ all of the senses.....	16
11.	Occupants	16
F.	EPO #6: Prepare and execute an emergency action plan and Downed and Disabled Officer Recovery (Shield).....	16
1.	Having an Emergency Plan should be part of the SOP	16
2.	Pre-op briefing conducted with entire operational team present.....	16
3.	Try to use plain language and avoid 10 codes or code words.....	17
4.	Examples of when an Emergency Action Plan may be necessary:	17
5.	Downed and Disabled Officer Recovery with or without shield.....	17
6.	Officer Rescue.....	18
7.	Ballistic Shield	18
II.	Demonstration	19
III.	Student Practice.....	20
IV.	Feedback and Remediation.....	20
XI.	ATTACHMENTS.....	23

LESSON DESCRIPTION

I. LESSON TITLE

Basic Tactics

II. PROGRAM/COURSE TITLE

Field Operations Training Program

III. DESCRIPTION

This course presents the various principals and techniques of basic tactics used when conducting ERO Field Operations in a controlled setting via live demonstration and student practice.

IV. TERMINAL PERFORMANCE OBJECTIVE:

- Condition:** Given a simulated situation requiring an enforcement action
- Behavior:** the officer will utilize basic tactics
- Criterion:** in accordance with standardized ICE/DHS procedures so as to increase officer safety and effectiveness

V. ENABLING PERFORMANCE OBJECTIVES:

- A. EPO #1: Use proper weapons handling skills.
- B. EPO #2: Apply appropriate flashlight techniques in various circumstances.
- C. EPO #3: Distinguish the difference between cover and concealment.
- D. EPO #4: Utilize the principles of contact and cover during an operation.
- E. EPO #5: Conduct a low intensity room and building search.
- F. EPO #6: Prepare and execute an emergency action plan and Downed and Disabled Officer Recovery (Shield).

IV. LENGTH OF LESSON

COURSE	PRESENTATION (Including Demonstration	STUDENT PRACTICE	STUDENT EVALUATION	TOTAL
FOTP	2.5hrs	7hrs	30min	10hrs

LESSON ADMINISTRATION

I. LESSON TITLE

Basic Tactics

II. RISK MANAGEMENT PLAN (If Required)

Any injuries will be reported to FLETC medical, the FLETC safety officer, and the Section Chief or other supervisor. FLETC medical will evaluate the situation in accordance to their standard operating procedure, and direct staff members to conduct basic first aid, transport to FLETC medical or other medical institution. The FLETC Safety Officer will follow their emergency protocol and direct staff as required. The ICE Section Chief will notify his chain of command, in accordance to outstanding policy, and assign other certified personnel to assist with the training venue if necessary.

III. FACILITY REQUIREMENTS

Group classroom (table groups with instructor station including computer, projector, and screen along with mock residential and commercial structures

IV. TRANSPORTATION REQUIREMENTS

None

V. REQUIRED STAFF

(b)(7)(E)

Each instructor will need to be certified as an ICE Tactical Instructor and FLETC Basic Tactics Instructor

VI. ACADEMY PROVIDED TRAINING AIDS/EQUIPMENT

Instructor station with presentation equipment
Red or Blue Gun training weapon, Ballistic Shield & Tactics Card

VII. STUDENT PROVIDED EQUIPMENT

Student will bring duty gear for enforcement operations along with their academy issued ASP REDGUN training weapon. Gear will include flashlights, handcuffs and other equipment holders and use of force gear.

VIII. STUDENT HANDOUTS/MATERIALS

Student lesson plan

IX. ATTACHMENTS

Basic Tactics Drill card explanations and expectations

X. REFERENCES

BTITP and NFFTU Warrant Service Tactics Training

OUTLINE OF INSTRUCTION

INTRODUCTION

Instructor Notes: *RAPPORT AND OPENING STATEMENT*

Welcome students to class; state the title of the lesson, and the lesson description from the syllabus. The lead instructor must introduce himself/herself and all co-instructors if these parties are unknown to the students. Make students feel comfortable.

Ask students if there are any questions from the previous lessons.

I. Motivation

Tactics are tools that are utilized to accomplish a task in a variety of environments, situations and Law Enforcement assignments. Even though they may not always make a situation risk free, they are designed to minimize a Law Enforcement Officer's personal risk.

TACTICS; Thinking/Action/Communications/Threat/Identify/Control/System

II. Objectives

A. Terminal Performance Objective(s)

Condition: Given a simulated situation requiring an enforcement action

Behavior: the officer will utilize basic tactics

Criterion: in accordance with standardized DHS/ICE procedures so as to increase officer safety and effectiveness

B. Enabling Performance Objectives

EPO #1: Use proper weapons handling skills.

EPO #2: Apply appropriate flashlight techniques in various circumstances.

EPO #3: Distinguish the difference between cover and concealment.

EPO #4: Utilize the principles of contact and cover during an operation.

EPO #5: Conduct a low intensity room and building search.

EPO #6: Prepare and execute an emergency action plan and Downed and Disabled Officer Recovery (Shield).

III. Advanced Organizer of Main Ideas

Basic Tactics involves: Weapons Handling, Flashlight Handling, Using Cover and Concealment, Methodical Building Searches, and having Emergency Plans

IV. Review of Prerequisites

Students must have passed a Basic Immigration Law Enforcement Academy as described in 8 CFR 287.1

V. Agenda

Several drills will be covered in this lesson:

- Proper weapons handling
- Basic flashlight deployment techniques
- Conducting low intensity room and building searches
- Demonstrating the roles of contact and cover officers
- Preparing for an emergency

For each drill, the Instructor will give a brief overview while demonstrating the drill. After demonstration, students will have an opportunity to practice.

Students will be assessed on skills learned in basic tactics during the practical exercises.

Instructor Notes:

The Model schedule should reflect that the basic tactics course should be taught in the afternoon if possible and follow the order of EPO's and concepts. Tactics day one on Tuesday Day 2 should have 4 hours basic tactics in the afternoon, 1230 until 1630. Tactics day two on Thursday should have 4 hours from 1230 until 1630. This is the proposed day to do officer rescue and shield demonstration, from 1530-1630. Tactics day three will be from 0730 until 0930. If FLETC changes the schedule, Shield and Downed Officer Recovery (DDO) should be done during the last hour of tactics day 2.

INSTRUCTION

I. Explanation

Instructor Notes:

Instructors will demonstrate to ensure students are aware of what is to be expected. Once demonstrated, the students will complete the tasks under supervision. The instructor will make immediate correction to any deficiencies

A. EPO #1: Use proper weapons handling skills

1. General guidelines

(b)(7)(E)

2. Body Movements

- a.
- b.
- c.

(b)(7)(E)

3. Positive Control of weapon

- a.
- b.
- c.
- d.

(b)(7)(E)

4. Weapons handling positions

(b)(7)(E)

5. Shooting Positions

- a. Standing
- b. Kneeling
- c. Squatting
- d. Prone

6. Alternate shooting positions (Advanced Techniques)

- a. Sitting/Seated
- b. Fetal (left or right side)
- c. Inverse Prone (supine)
- d. Urban prone

B. EPO #2: Apply appropriate flashlight techniques in various circumstances

Instructor Notes: Instructors will have a good quality tactical flashlight to use in demonstration. Students should each have their own training flashlight. There are many other positions for holding a flashlight, these are the most common.

1. General guidelines

(b)(7)(E)

2. Common positions

(b)(7)(E)

3. Use of light

(b)(7)(E)

C. EPO #3: Distinguish the difference between cover and concealment

Paradigm: Cover can be concealment, but concealment cannot be cover.

Instructor Notes:

Instructors will use different pieces of cover; i.e. trees, curbs, telephone or light pole, walls, (brick versus wood, stone versus cinderblock), vehicles- old versus new. The instructor will demonstrate on a vehicle, or other cover item, where officers should stand, kneel, squat, or go prone to utilize the cover afforded.

The students will replicate this drill after the instructor gives commands to use cover. Typically, one student will complete task while other students watch. This will be repeated until all students have completed required tasks.

1. Cover

- a. Will stop bullets or shrapnel
- b. Some examples of cover are brick walls, large trees and concrete barriers

2. Concealment

- a. Will hide the outline of a body, but will not stop bullets or shrapnel
- b. Some examples of concealment are bushes, small trees, picket fencing, cardboard boxes, drywall or sheet rock walls, wood paneling

3. On Cover vs. Off Cover

(b)(7)(E)

D. EPO #4: Utilize the principles of contact and cover during an operation

Instructor Notes:

Refer to Basic Tactics Drill Card- Contact/Cover Drills

Contact/cover drills will be practiced with two student officers and one instructor role player. Two students will stand 10 feet apart with their backs to each other and the instructor in the middle. On the command of "in-role," students will face the threat and deal with the role-player in a typical street law enforcement encounter. Students will need to stop the role-player without touching him and using force appropriate for that encounter. Instructor will try to keep students in crossfire the entire time. Instructor will then explain and demonstrate how officers can defeat this tactic by using the tactical L or V formation.

1. Allows two or more officers to work in close proximity to each other on the same task

- a. One officer is the contact officer the other is the cover officer
- b. Communication is important to keep each other aware of changing circumstances

2. The roles of the officers may change at any moment

- a. Officers should be ready to adjust to the situation or actions.

- (1) Cultural differences
- (2) Language barriers
- (3) Personal interactions
- (4) Physical challenges

3. Contact Officer

- a. handles the situation or individual
- b. engages subject verbally
- c. conducts a pat down search
- d. puts on handcuffs
- e. normally gives commands and focuses on the target or target area

4. Cover Officer

- a. Conducts threat assessment of surroundings
- b. provides cover for the contact officer
 - (1) responsible for covering the contact officer and 360-degree surrounding area
 - (2) will cover contact officer when applying handcuffs or searches.
- c. visually scans the immediate area for additional suspects or threats
- d. takes in the situation and surroundings looking for documents, drugs or other contraband, and weapons that are in plain sight and should make adjustments to stay away from cross-fire situations

5. Position of Advantage (POA)

(b)(7)(E)

6. Two basic tactical formations

(b)(7)(E)

- c. To avoid crossfire the contact officer will stand offline of the suspect while the cover officer stands either left or right of the contact officer. The officers should stand far enough apart so that the suspect is unable to focus on both officers at the same time.

E. EPO #5: Conduct a low intensity room building search

1. Move no faster than you can assess a threat or recognize a danger area

2. Entering the building

- a. 4th Amendment rules apply
- b. Officer must identify him / herself

3. Searching the building

(b)(7)(E)

4. Searching rooms

(b)(7)(E)

5. Hallways

(b)(7)(E)

6. Holding the Hall

- a. Maintains visual control from the end of the hallway
- b. If visual chain can be maintained, may provide cover for consent getter
- c. Cover officers clearing rooms off hallway

7. Hierarchy of threat

- a. People
- b. Open doors
- c. Closed doors
- d. Anywhere a person could hide
- e. Hard corners
- f. Behind doors

8. Danger areas

(b)(7)(E)

9. Cornering Technique

(b)(7)(E)

10. Employ all of the senses

- a. Be visually aware of surroundings
- b. Pay attention to sights, smells and sounds
- c. Use reasonable officer perception and experience

11. Occupants

- a. Move to a central location (if consensual)
- b. Separate uncooperative occupants
- c. Cannot be forced to move

Instructor Notes: The DDO/R and Shield section will be taught by the lead instructor near the end of the BT proportion of FOTP. It generally takes about an hour and all students should be involved. Run shield donning and doffing procedures, lipping drills, multiple recovery drills using different methods of movement.

F. EPO #6: Prepare and execute an emergency action plan and Downed and Disabled Officer Recovery (Shield)

1. Having an Emergency Plan should be part of the SOP
2. Pre-op briefing conducted with entire operational team present

3. Try to use plain language and avoid 10 codes or code words
4. Examples of when an Emergency Action Plan may be necessary:
 - a. Officer Injured
 1. Render basic first aid
 2. Need to transport officer to hospital if EMS for transport is unavailable.
 - i. Vehicle is designated as transport car; relocate downed officer to this vehicle and get officer to hospital
 - ii. Where will the vehicle's keys be left; who has them?
 3. Review routes to hospital
 4. Who will drive?
 5. Who will remain at the location?
 - b. Injured alien
 1. Call EMS immediately
 2. Render basic first aid
 3. Decontaminate if OC is used
 - c. Shots fired, officer shot
 1. Central meeting place or rally point
 2. Ensure everyone is accounted for
 3. Exit building, if necessary.
 4. Set up strong hold/perimeter
 5. Call for additional assistance, 911
 - d. Explosive device found
 1. Tactically withdraw from location
 2. Evacuate everyone from location and surrounding area
 3. Communicate situation verbally without the use of cell phones/radios
 4. Call for assistance (911, Bomb squad or Hazmat/Rescue Unit)
 5. Secure the scene
5. Downed and Disabled Officer Recovery with or without shield
 - a. Stopping the threat, to avoid serious injury or loss of life to others
Refer to Use of Force Lesson
 - b. Activate 911, if necessary, call for Special Weapons and Tactics (SWAT) or Special Response Team (SRT) for assistance, especially if threat fails to diminish or cease.
 - c. Attempt rescue of the downed officer utilizing heavier firepower and ballistic shields
 1. Team Lead calls perimeter to bring ballistic shield
 2. Shield officer yells "shield" upon entering the scene
 3. Team leader calls for rescue team on shield

Instructor Notes:

Instructor will demonstrate proper use of shield and will give each student time to practice shield movement and manipulation

6. Officer Rescue

a. (b)(7)(E)

b.

c.

d.

e.

f.

Instructor Notes: Officer down demo—lead instructor simulates being injured; officers assess the situation and call officer down”; team leader re-assesses situation; team leader initiates officer down drill.

7. Ballistic Shield

a. Shield operations

(b)(7)(E)

- ii. Cons
 - a. can be a handle for a violator to grab on to. (same as with a weapon sling)
 - b. SBA should have training for retention
 - c. Shield usage
 - (1). Mobile cover, porting windows, blocking doorways, inside and outside
 - (2). Officer rescue
 - d. Shield limitations
 - (1). Heavy
 - (2). Penetration of non-handgun rounds
 - (3). Back side deformation
 - (4). Blunt force trauma
 - (5). Legs are exposed

Instructor Notes:

(b)(7)(E)

II. Demonstration

- For each drill (EPO) the instructor will demonstrate, while giving instruction to the students, how the drill is done.
- For weapons demonstration, the instructor uses the Red Gun to demonstrate holds and firing positions.
- For flashlight holds, the instructor uses a flashlight and the Red Gun to demonstrate how the gun and flashlight should be held
- For concealment & cover the instructor will use various objects and structures to demonstrate how to best use these objects and to demonstrate what the difference is between contact & cover
- For the contact and cover the instructor (s) can use a student to demonstrate the difference between the contact and the cover officers and their roles

III. Student Practice

Students will practice each drill separately right after the instructor demonstrates. If time allows, the students should practice these drills in a role – play scenario

There are two labs that will follow the completion of this lesson. They are IACD and Down and Disabled Officer.

IV. Feedback and Remediation

The instructor shall use the Field Operations skills assessment checklist to document the successful completion of the block of instruction and any remediation during the practical exercises.

In addition, subsequent to the completion of the circuit, the instructor shall call “out of role” to stop the action and complete a debriefing of the student to discuss areas of difficulty with specific stations.

Remediation will be conducted on the spot during the circuit. Should remediation be required, the instructor shall call out of role and again demonstrate the proper use of cover, as well as the problem that required the remediation. These reasons will be documented on the checklist. The instructor may elect to conduct after-hours remediation for students who fail multiple on the spot remediation. These sessions must be approved by the ICE Academy and FLETC.

CONCLUSION

I. Summary of Main Ideas

These basic tactics are the building blocks for every action an officer will need in the field.

II. Integration

Basic Team Tactics will build on these skills. You'll need to put them all together and work as a team while participating in an enforcement action. Officers also use these tactics when performing the practical exercise at the end of the course.

III. Objective(s)

Instructor will know that the objectives have been met when all of the students are able to successfully complete each drill.

Confirm with the students that objectives have been met; to check that the students are satisfied with the training.

Even if the instructor observes that everyone has completed the drills successfully, the students need to own their learning by acknowledging that 'yes, they did learn this'

IV. Motivation

Knowing that your partner, team mates and other officers around you are able to successfully complete a basic tactics puts the officer's mind at ease because they can count on each other to carry out the task.

V. Test of Final Activity

The instructor shall use the Field Operations practical exercise checklist to document the successful completion of the block of instruction and any remediation.

There is a final practical exercise where these skills will be formally assessed.

Instructor Notes for Lab Exercises

Topic 1: Basic Tactics Drill Card

A brief lecture will be conducted prior to the laboratory. The laboratory will be conducted using the Basic Tactics Drill card.

Topic 2: Location

The instructor will use the assigned outdoor area, raid house and available structures to conduct class. All other procedures for that specific program and/or class should be followed (i.e. attendance rosters, medical restrictions, etc.).

Topic 3: Demonstrate

The instructor will demonstrate all techniques. After each demonstration the instructor will direct the students to practice the techniques. If a technique requires a role-player the students will role-play as subjects during the contact and cover techniques. Role-playing subjects will place their web gear off to the side and out of the way.

Topic 4: Method

The tactics will initially be taught in a step-by-step or static mode. This will allow simplicity in effecting the concepts and movements, as well as giving the instructor more time for correction and control.

Topic 5: Safety

The instructor should make any corrections immediately for safety reasons and time. Students will also be informed that they will be critiqued during the period of instruction.

XI. ATTACHMENTS

Tactics Drill Card:

See attached Tactics Drill Card

1. Weapons Handling

- 1.
- 2.
- 3.
- 4.

(b)(7)(E)

Note: Don't look to talk, Use peripheral vision

2. Body Movement /Walking and Positions

(b)(7)(E)

3. 360 Degree Security Concept

(b)(7)(E)

4. Cornering

- 1.
- 2.
- 3.
- 4.
- 5.

(b)(7)(E)

6. (b)(7)(E)
- 7.
- 8.

5. **Danger Areas**

1. Define Danger areas
2. Change Position of Advantage to cover multiple DA's (backing up and or stacking principle)

6. **Cover Management Drill**

1. Define On Cover and Off Cover and concealment (see new definitions)
2. Tell students to take a position (standing, kneeling, prone, squatting) call on cover or off cover have them demo both (make corrections as needed)
3. Have students move away from the cover, say go and have them move to cover then use any and all positions around the cover at will.

7. **Cover to Cover Movement**

1. (b)(7)(E)
- 2.
- 3.

8. **Contact/Cover Drills and POA**

1. (b)(7)(E)
- 2.
- 3.
- 4.
- 5.

Positions of Advantage (POA)

(b)(7)(E)

Positions of Disadvantage (POD)

(b)(7)(E)

9. Door Entries

1. (b)(7)(E)

2.

3.

4.

5.

6.

7.

8.

9.

◀ ▶ ↺ ↻ 🔍

10. Room Clearing

(b)(7)(E)

Instructor Notes: 3 persons in a room is optimal if there are multiple openings or doors such as closets, bathroom or secondary rooms.

11. Hallways

(b)(7)(E)

12. Multiple Room Clearing

1. (b)(7)(E)
- 2.
- 3.
- 4.
- 5.

13. Stairs

- 1.
- 2.
- 3.

14. Attics, Ladders and Roofs

Demo moving up ladder with weapon in the holster (emphasize staying below plane of corner so the LEO is not seen prior to having weapon on danger area), squat, draw weapon, stand up on ladder clearing the top corner of the roof. If needed, LEO can holster weapon, get onto roof, draw weapon and call up partner(s) or the LEO may choose to keep weapon out and get onto roof, then call up partner(s).

XI. ATTACHMENTS CONTINUED

DOWNED OFFICER AND SHIELD DRILLS

DRILL

EPO #6 - Demonstrate tactical techniques used in an office down situation

This should be where the utilization of the shield and any long arms comes into action. Talk about rally points and the need to have a plan before something happens. Instructor should discuss the use of radio for emergency calls however; calling 911 may be a better option. Plain language should be emphasized when using radios.

In teams of 6 each officer should take a turn at participating in the following roles:

- The downed officer
- The Team Leader
- Shield Bearing Officer (if used)
- Additional team member are going to provide shield security and 360 degree security for the rescue

The teams should practice the following rescue techniques:

- Rescue using firearms and ballistic shields
- Hooking their arms around the downed officer's arms and dragging him / her to a safe location
- Using the rescue or pull strap to drag the downed officer to a safe location
- Two officer carry / hold to rescue the downed officer.

DEPARTMENT OF HOMELAND SECURITY

**U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT**

**OFFICE OF TRAINING AND
DEVELOPMENT**



Basic Tactics Lab (Down and Disabled Officer
and Shield Drill)

FIELD OPERATIONS TRAINING PROGRAM

CONTROL PAGE

Developed By:

JUL 2010

(b)(6),(b)(7)(C)

CDI, ERO Advanced Training Section
CDI, ERO Advanced Training Section

AUG 2012

Signature

Content Approved By:

DEC 2010

(b)(6),(b)(7)(C)

Branch Chief, Advanced Training Section, ERO Academy
Branch Chief, Advanced Training Section, ERO Academy

Signature

Signature

Instructional Design Reviewed By:

DEC 2010

(b)(6),(b)(7)(C)

Instructional Designer, OTD-IMU

Signature

Signature

Instructional Design Approved By:

SEPT 2010

(b)(6),(b)(7)(C)

Unit Chief, ICE/ OTD, IMU

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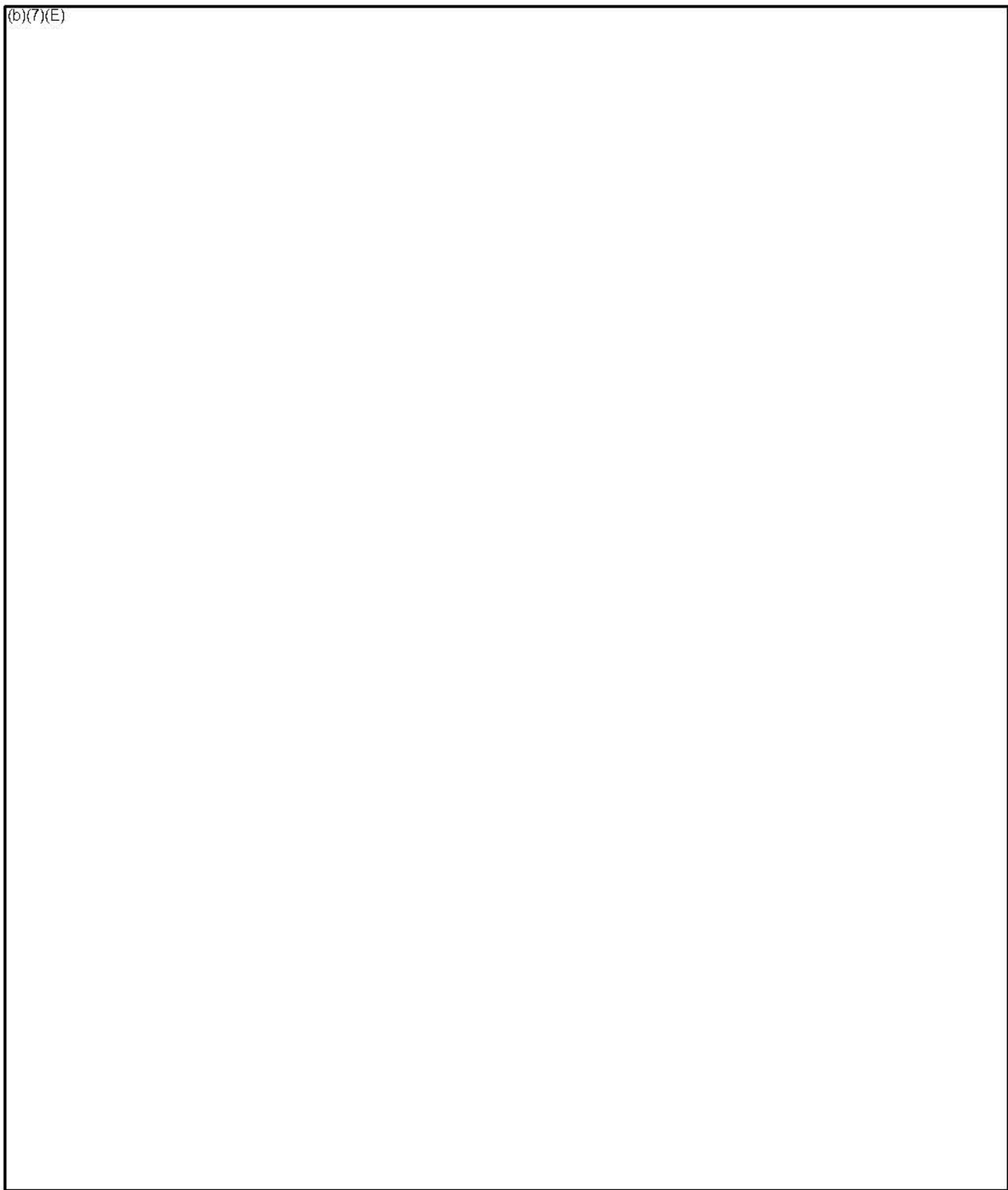
Record of Changes

Date of Change	A=Add. M=Mod D=Del.	Description of Change	Reason for Change	Approved By (FN, LN, Operational Unit Chief or IMU Representative)
8-2012	M	Added shield drill from IACD	Better use of time during this block of instruction and the modifications made to IACD	(b)(6),(b)(7)(C) Acting UC

U.S. Immigration and Customs Enforcement
Lab Exercise Plan

Exercise Description

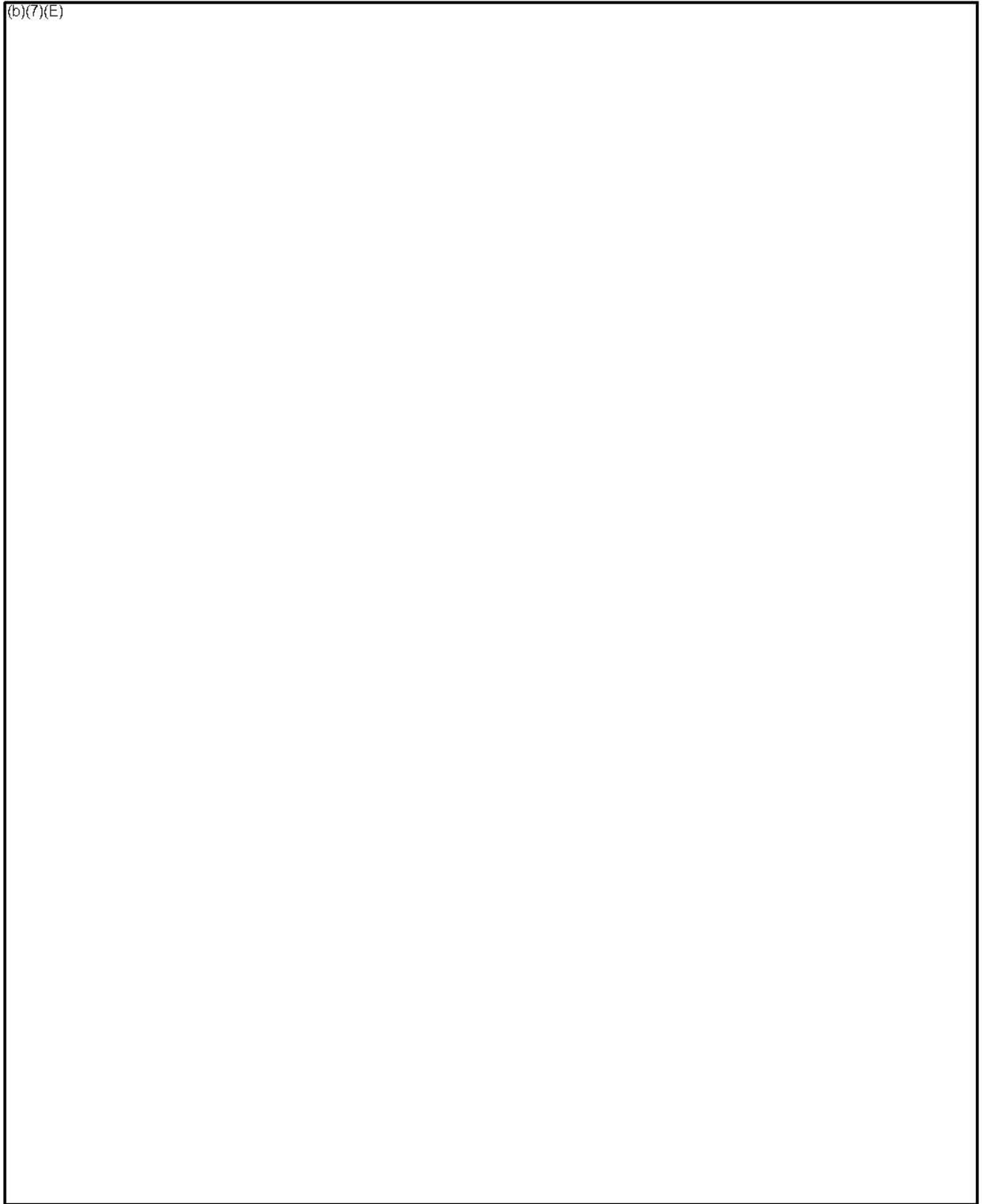
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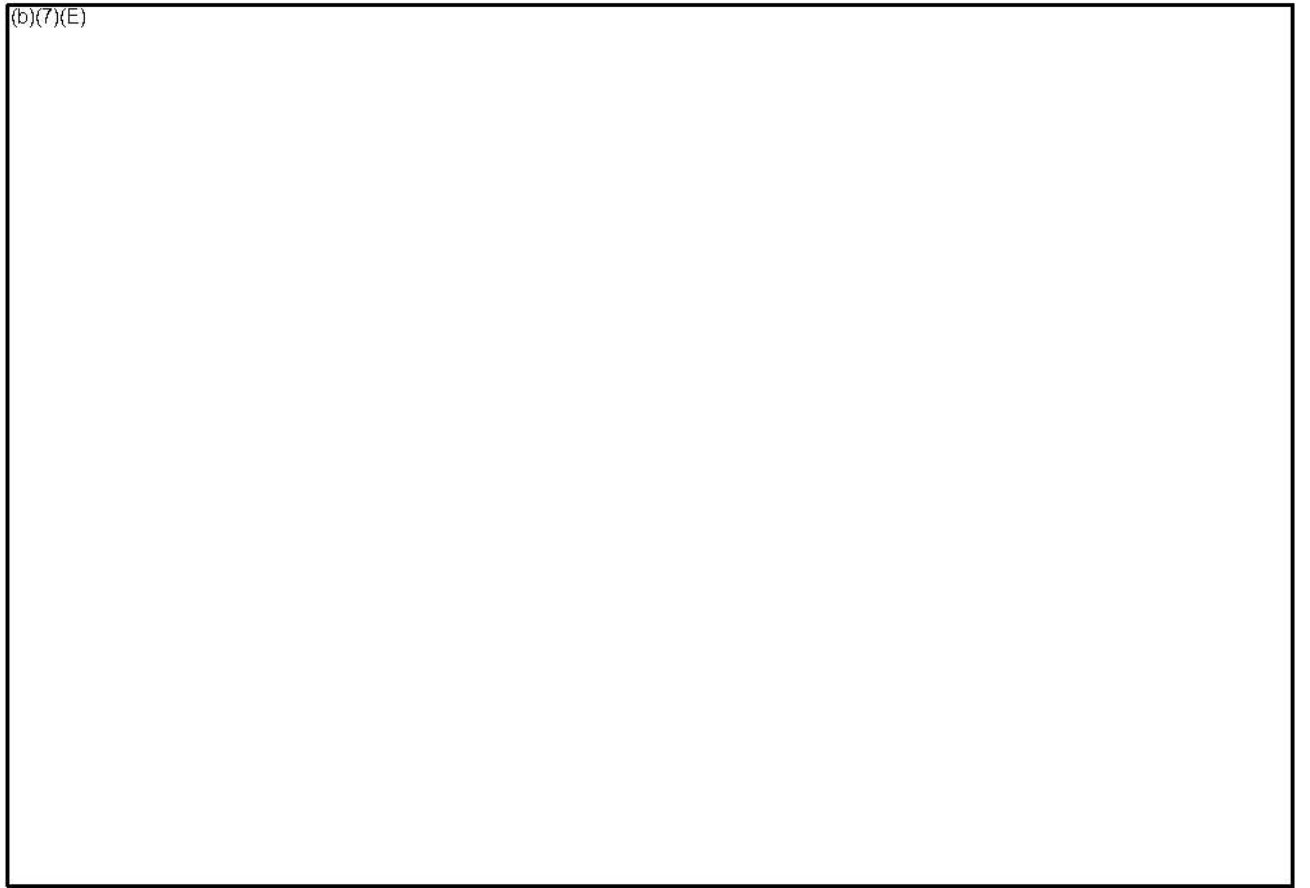
**U.S. Immigration and Customs Enforcement
Lab Exercise Plan**

Administration

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(b)(7)(E)



U.S. Immigration and Customs Enforcement
Lab Exercise Plan

Basic Tactics Lab (Down and Disabled and Shield Drill)

Lab Exercise Guide

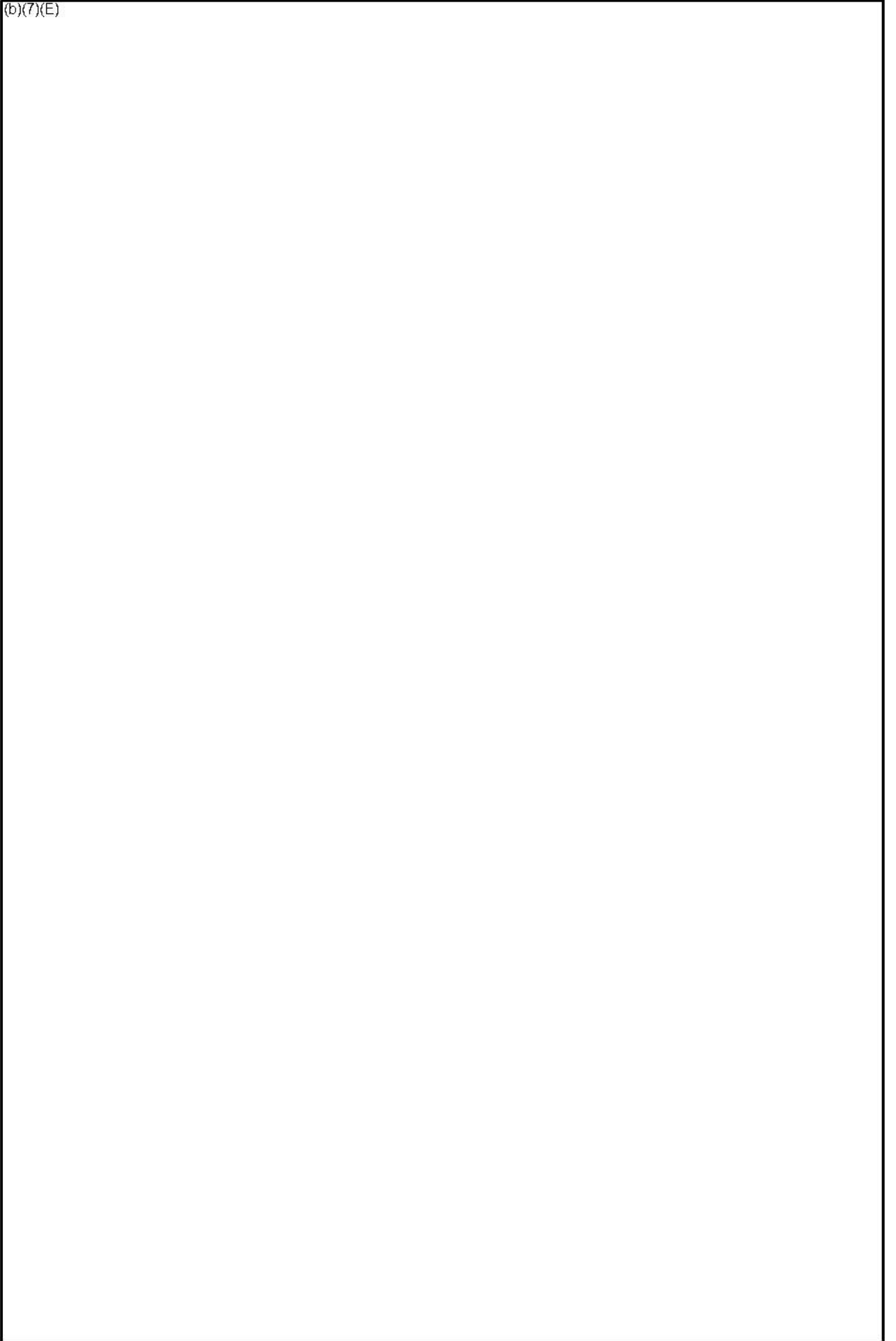
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II. Exercise Briefing

Instructor Notes: Since this lab is run simultaneously with the IACD lab, both groups of students will remain together for the briefing and demonstration. The FLETC safety officer will conduct the Safety Brief. The ICE instructor(s) will explain and conduct the lab demonstration.

A. Safety Brief

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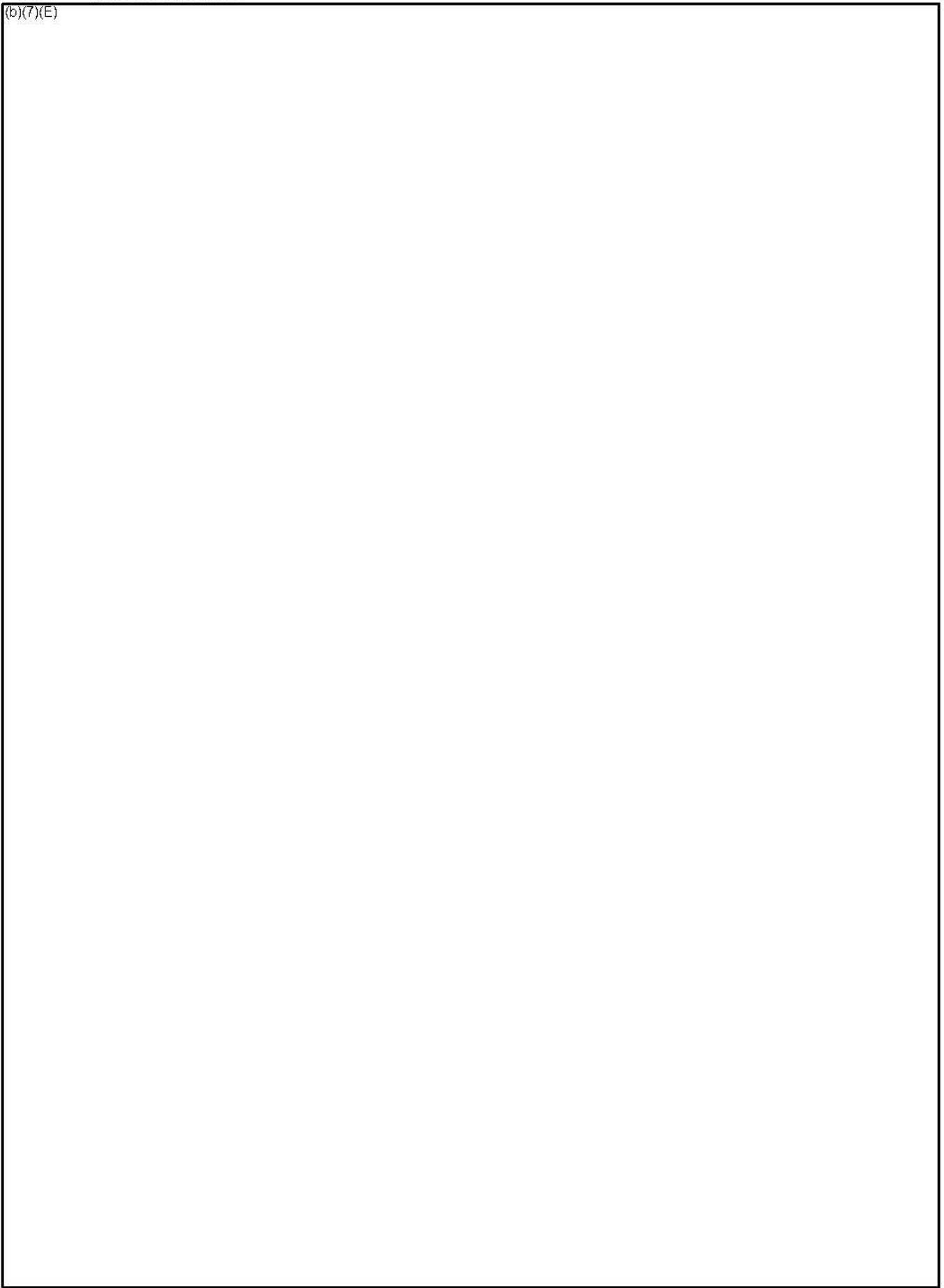


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III. Demonstration

(b)(7)(E)



IV. Student Practice

(b)(7)(E)

(b)(7)(E)

**U.S. Immigration and Customs Enforcement
OFFICE OF TRAINING AND DEVELOPMENT**

**ICE Academy
Enforcement and Removal Operations**



Close Quarters Defensive Tactics

Lesson Plan

Field Operations Training Program



Control Page

Developed By:

NOV 2008

(b)(6),(b)(7)(C)

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Content Approved By:

DEC 2010

(b)(6),(b)(7)(C)

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Instructional Design Reviewed By:

DEC 2010

(b)(6),(b)(7)(C)

Instructional Designer, OTD-IMU

Signature

Signature

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Record of Changes

Date of Change	A=Add. M=Mod D=Del.	Description of Change	Reason for Change	Approved By (FN, LN, Operational Unit Chief or IMU Representative)
07-2010	M	Formatted Lesson Plan with OTD format	Major Revision to Course and Lesson Plan	
09 – 2010	A	Instructor notes	Additional details included	
09-2010	M	EPOs	To be more performance based	
04-2013	M	Curriculum Review	To focus the learning objective to the training time.	(b)(6),(b)(7)(C)



Table of Contents

Lesson Description	5
Lesson Administration	6
Introduction	8
Instruction.....	10
I. Explanation	10
A. EPO 1: Use tactical stances to enhance officer defense	10
B. EPO 2: Use footwork and body movement to move tactically.....	10
C. EPO 3: Choose appropriate personal weapons for a situation	11
D. EPO 4: Fight in a close quarters environment	13
II. Instructor Demonstration.....	14
III. Student Practice.....	14
IV. Feedback and Remediation	14
Conclusion.....	16
INSTRUCTOR NOTES FOR LAB EXERCISES	17



Lesson Description

(b)(7)(E)



Lesson Administration

(b)(7)(E)



IX. Attachments

- Risk Assessment Worksheet
- Skills Assessment Checklist

X. References

- (b)(6),(b)(7)(C) Brunswick, Georgia.
- (b)(6),(b)(7)(C). 21 November, 2005. (b)(6),(b)(7)(C) Tactical Systems, 21, November 2005
[http://www.\(b\)\(6\),\(b\)\(7\)\(C\).com](http://www.(b)(6),(b)(7)(C).com)
- Use of Force. Federal Law Enforcement Training Center, Enforcement Operations Division, FLETC Lesson Plan 5046. Georgia, 2005
- NFTTU Defensive Tactics Program



Introduction

(b)(7)(E)



(b)(7)(E)



Instruction

(b)(7)(E)



(b)(7)(E)



(b)(7)(E)



(b)(7)(E)



(b)(7)(E)

II. Instructor Demonstration

See Instructor Notes in the Explanation above. The instructor will demonstrate each drill, movement.

III. Student Practice

Students will practice each drill immediately after the instructor demonstrates. See Instructor Notes for Lab Exercises, at the end of the lesson plan.

IV. Feedback and Remediation

The instructor shall use the Skills Assessment checklist to document the successful completion of the block of instruction and any remediation. In addition, subsequent to the completion of the drills, the instructor shall call "out of role" to stop the action and complete a debriefing of the student to discuss areas of difficulty with specific stations.

Remediation will be conducted on the spot during the drills. Should remediation be required, the instructor shall call out of role and again demonstrate the proper technique, as well as the problem that required the remediation. These reasons will be documented on the checklist. The instructor may elect to conduct after-hours remediation for students who fail multiple on the spot remediations. These sessions must be approved by the ICE Academy and FLETC.





Conclusion

I. Summary of Main Ideas

This lesson plan contains several techniques that can be used to enhance an officer's ability to win a physical engagement. The basic principles outlined in this lesson plan are practical for use in several environments (b)(7)(E)

(b)(7)(E)

II. Integration

The skills learned in CQDT are built upon in other classes such as
Restraining Suspects
Basic Tactics
Ground Defense

III. Objectives

Instructor should ask the class if they have met the objectives by posing the question to the group. The instructor should ask a student to tell them what they learned about that objective.

For example:

"What was one of your largest take-aways from this exercise?"

Students are now able to perform a variety of defensive movements using only their own body.

IV. Motivation

Officers encounter situations where they may be suddenly attacked or become physically engaged with a suspect. It is imperative that an officer be physically fit and capable of defending themselves.

V. Test or Final Activity

The instructor shall use the Skills Assessment checklist to document the successful completion of the block of instruction and any remediation.

The instructor will randomly choose 5 strikes in EPO #3 and have the students perform them for the formal assessment.

The students will execute effective strikes and use the appropriate force required to establish and maintain control or compliance of a suspect while taking the scenario to a logical conclusion.



INSTRUCTOR NOTES FOR LAB EXERCISES

(b)(7)(E)



(b)(7)(E)



(b)(7)(E)



(b)(7)(E)

VII. Classroom Safety Procedures

- A. The instructor must emphasize the importance of safety during the orientation/introduction and prior to each training session.
- B. Emphasis on safety should include maintaining student control during any striking portion.
- C. "Out of Role" or whistle blast will be used to stop any training where a potential for injury is noted or when an injury occurs.



- D. All injuries will be brought to the prompt attention of the instructor and FLETC SOP will be followed. If a student is medically restricted from performing any specific movement, he or she should notify the instructor prior to each training session and present the proper documentation to the instructor.
- E. The instructor should instruct students to cover open sores or wounds and to sanitize hands prior to, during, and after the training session.
- F. Students are required to bring all issued personal protective equipment to each class.
- G. A warm-up that concentrates on stretching the muscle groups and joints to be affected will precede each session.
- H. Jewelry is not permitted to be worn during any training session. Placing tape over the jewelry is not a substitute for removing it.
- I. Horseplay will not be tolerated.
- J. Proper uniform will be worn at all times to include appropriate footwear.
- K. The instructor will poll the class about injuries and medical restrictions before beginning each session. Students with medical restrictions will not be allowed to participate.



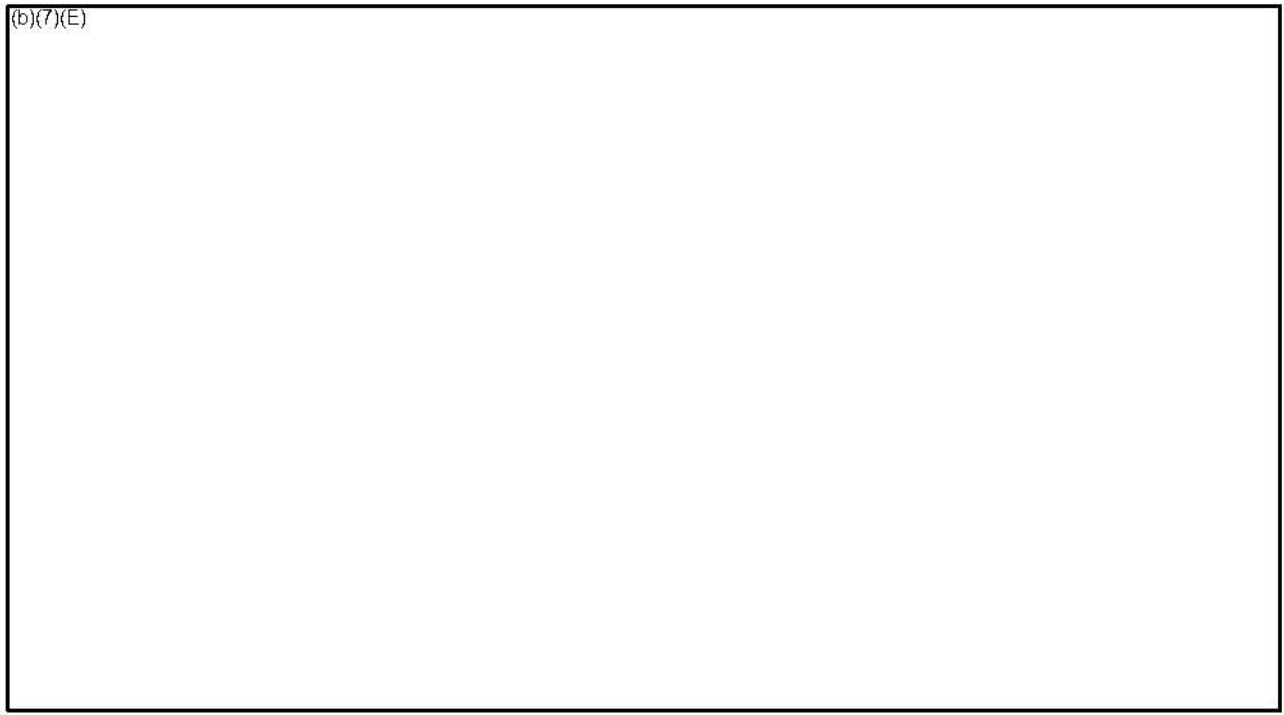
Field Operations Training Program Initial Pistol Qualification



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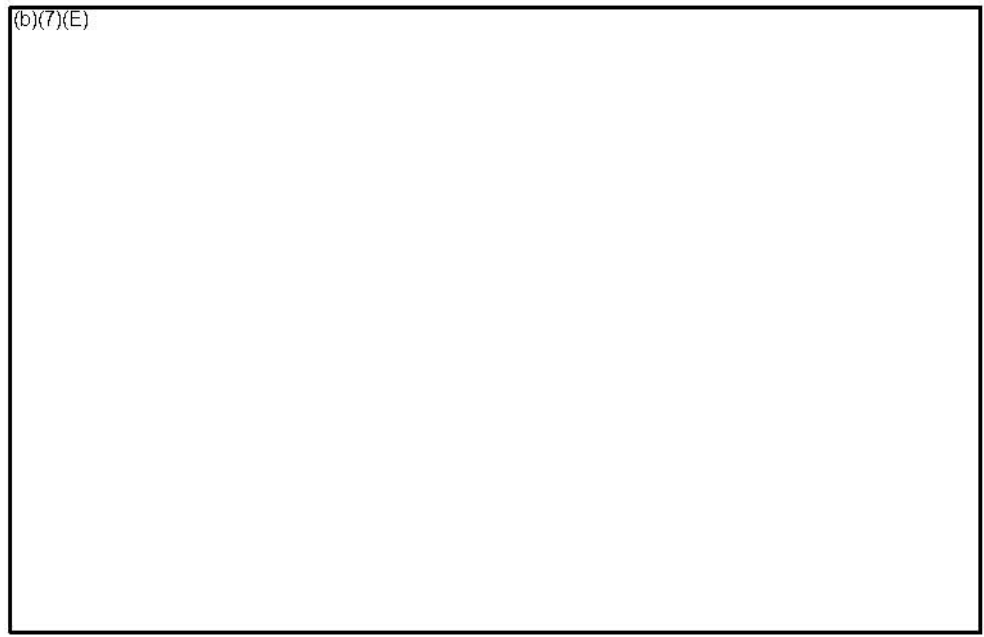


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**U.S. Immigration and Customs Enforcement
Office of Training and Development**

ICE Academy



**FINAL PRACTICAL EXERCISE/SKILLS
ASSESSMENT**

ERO FIELD OPERATIONS TRAINING PROGRAM



Control Page

Developed By:

October 2010

(b)(7)(E)

Section Chief, Advanced Training Section, ERO Academy

Signature

Signature

Content Approved By:

October 2010

(b)(7)(E)

Unit Chief, Advanced Training Section, ERO Academy

Signature

Signature

Instructional Design By:

Feb 2010

(b)(7)(E)

Instructional Designer, OTD-IMU

Instructional Designer, OTD-IMU

Signature

Signature

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Record of Changes

Date of Change	A=Add. M=Mod D=Del.	Description of Change	Reason for Change	Approved By (FN, LN, Operational Unit Chief or IMU Representative)



Table of Contents

Exercise Description.....	5
Exercise Administration	11
Exercise Attachments (by Name and Number	13



Exercise Description

(b)(7)(E)



(b)(7)(E)



(b)(7)(E)



(b)(7)(E)



(b)(7)(E)



(b)(7)(E)



(b)(7)(E)



Exercise Administration

(b)(7)(E)



III. Environmental Considerations/Safety Requirements

A risk assessment has been conducted on all skill assessments and graded practical exercises, and documented on the ICE Training Risk Worksheet, in accordance with OTD policy and procedure. These worksheets note any risk involved to the student or staff members and the mode in which this risk is generally mitigated. An additional assessment will be conducted during the activity by the safety officer on scene, and documented on the ICE Training Risk Calculation Worksheet, to analyze any situational factors that may affect the safety of the students or staff. In accordance with OTD policy and procedure, as well as ongoing FLETC directives, training will be suspended if safety concerns rise above an acceptable level.

(b)(7)(E)



VI. Checklist Completions

(b)(7)(E)



(b)(7)(E)



(b)(7)(E)



(b)(7)(E)



(b)(7)(E)

**U.S. Immigration and Customs Enforcement
OFFICE OF TRAINING AND DEVELOPMENT**

ICE Academy



Field Operations Introduction & Welcome

Briefing Plan

Field Operations Training Program

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Control Page

Developed By:

January 2011

(b)(6),(b)(7)(C)

FEB 2011

(b)(6),(b)(7)(C)

Signature

Signature

Content Approved By:

DATE January 2011

(b)(6),(b)(7)(C)

Unit Chief, ERO Advanced Training Unit, ICE Academy

Signature

Instructional Design Approved By:

FEB 2011

(b)(6),(b)(7)(C)

Instructional Designer, ICE OTD, IMU

Signature



Record of Changes

Date of Change	A=Add. M=Mod D=Del.	Description of Change	Reason for Change	Approved By (FN, LN, Operational Unit Chief or IMU Representative)
1/2011	M	Changed to current Briefing Plan format; Edited to include Safety.	In accordance with new 2010 FLETA standards.	



Briefing Description

I. Briefing Name

Field Operations Training Program Introduction & Welcome

II. Course or Audience

This is the introductory briefing for the Field Operations Training Program

III. Purpose

To provide an orientation to the layout of the ICE Academy, an overview of its policies, and the ICE_D Field Operations Training Program

IV. Overview of Main Ideas

- Introduction to the FLETC Facility
- Expectations
- Agenda for the 2 weeks
- Preview of a couple key lessons and graded PE

V. Total Lesson Time

PRESENTATION	DEMONSTRATION	AUDIENCE PARTICIPATION	TOTAL
45min	5min	10min	60min



Briefing Administration

I. Briefing Name

Introduction and Welcome to Field Operations Training Program

II. Risk Assessment

N/A

III. Facility Requirements

Classroom with seating for 24 students

IV. Transportation Requirements

N/A

V. Required Staff

1 instructor familiar with ICE Policies, Charleston FLETC and grounds

VI. Training Aids / Equipment

Audiovisual presentation equipment to display a PowerPoint presentation

Projector, projector screen, instructor's computer

VII. Student Provided Equipment

N/A

VIII. Student Handouts / Materials

Students are provided FLETC Orientation / Student Handbook



IX. Attachments

FOTP_Introduction_Welcome.ppt

X. References

FLETC Student Handbook

Training Division specific ICE Academy Student Handbook



Briefing Plan

FOTP Welcome and Introduction

Presenters Note: the Motivation should be started on the 1st slide of the PPT

INTRODUCTION

I. Motivation

Field Operations is a key component to the ERO mission. This training is going to teach you how to effectively, efficiently, legally and safely go out and conduct these operations. Each officer is liable for his/her own actions and failure to adhere to policies and procedures can lead to serious implications, including lawsuits and officer injuries.

ONE TEAM ONE FIGHT (Slide #2)

II. Purpose

The ICE D Field Operations Training Program (DFOTP) provides ICE Deportation Officers and Immigration and Enforcement Agents with a basic overview of the skills needed to enforce an administrative warrant, from the initiation of a case in its operational planning and preparation, through the actual operation and the constitutional and policy concerns frequently encountered, to the culmination of a case. In addition, emphasis is placed on using these skills in a tactically and legally sound manner that allows the officer to perform in a safe and effective manner consistent with law and policy.

III. Overview

This briefing is to give an introduction to the ICE Academy in Charleston, the FLETC, and to the Field Operations Training Program.



IV. Agenda

Overview of Academy Values and Requirements and
Administrative details
Overview of D_FOTP

V. Transition

One Team One Fight is the FOT mission if you will, but The Academy has its own mission and vision that focuses on how training supports the overall mission of ICE. Let's take a look.

Presenter Note: Use this transition to transition from slide 2 ("One Team One Fight") to slide 3 ("Mission, Vision, Values")



BODY

I. Explanation of Main Points

A. Mission, Vision, Values

1. The Mission of the ICE Academy is to develop and deliver professional training programs in order to provide ICE employees with the knowledge, skills, and abilities essential to ICE's national security and law enforcement mission.
2. Vision: The ICE Academy prepares agency personnel for the rigors of their duties by providing:
 - a. A safe, respectful, and healthful environment, conducive to learning
 - b. Training that is thoughtful, thorough, effective, and legally sound.
 - c. An atmosphere of fraternity, pride, and resolve.
3. Core Values of the ICE Academy
 - a. Innovation
 - b. Commitment
 - c. Education
 - d. Achievement

Presenter Note: Show students the organization chart for both the ICE Academy and the training division.

B. Chain of Command

1. ICE Academy Management
 - a. (b)(6),(b)(7)(C) Chief, ICEA Charleston
2. Training Division Management
 - a. (b)(6),(b)(7)(C) Unit Chief, ERO Advanced Training Unit
 - b. (b)(6),(b)(7)(C) Section Chief, ERO Advanced Training Unit



Presenter Note: The class coordinator should introduce him/herself during this portion, providing office location, contact information, etc. The Section Chief and Unit Chief should also be identified, along with any contact information that person chooses to provide directly to the students. At a minimum, name and office location should be provided. **After staff and management introductions, this may be a time to allow students to briefly introduce themselves or it may be addressed later.**

3. Class Coordinator

- a. Your Class Coordinator is your immediate first line liaison to the ICE Academy. Any problems, issues, or concerns should always be brought to the attention of your class coordinator first.
- b. **Contact information (Office, Phone, Cell, Email, etc.)**

C. Resources

Presenter Note: Have students locate the facilities discussed on their facility map for the following section.

(b)(6),(b)(7)(C)

- a. FLETC Express Store: M – F = 7am – 8am; Sa = 10am – 6pm; Su = 12pm – 6pm
- b. Club Fed Grill: M – F 10am – 2pm
- c. Barber Shop
- d. Medical



3. **Classroom Buildings:** There are multiple buildings around the FLETC that are used for classroom training. The main classroom for this class is Building (b)(6), (b)(7)(C) room (b)(6), (b)(7)(C) and it is where the majority of your classroom training will take place. Classroom training may be scheduled in room (b)(6), (b)(7)(C) or other designated locations. Refer to your schedule, which will include locations for each scheduled block.
 - a. The Post Office is also located in this building
4. **Other Training Locations at FLETC**
 - a. SBT and Naval Weapons Station
5. **Other Buildings:** There are several other buildings around the FLETC that you should be familiar with.
 - a. (b)(6), (b)(7)(C)
 - b.
 - c.
 - d.
 - e.
 - f.
 - g.
 - h.
6. **Computer Labs:** ICE maintains computer labs in Bldg (b)(6), (b)(7)(C). Refer to your class schedule.
7. **Snack Machines:** Most classroom buildings have snack bars where you can purchase drinks and snacks. Their location and hours vary by building.
8. (b)(7)(E)
 - a. Transportation will be provided by FLETC



Presenter Note: Refer students to Tab A - "Emergency & Communications Info" – in the FLETC *Facility Student Handbook* (location specific) for the following section.

Ask students to follow along for the next few sections in the FLETC *Charleston Facility Student Handbook*. Allow time for students to scan the material as you address it.

D. Fire, Emergency, and Safety Procedures

1. **In the event of an emergency**, dial 9911 from any FLETC phone for ambulance, fire, or police. When calling from off center location, dial:
 - a. 843-746 (b)(7)(E) – Health Services Unit
 - b. 843-974 (b)(7)(E) – FLETC Security Police
 - c. 843-566 (b)(7)(E) – Security Specialist
2. **Fire Emergencies.** If a fire alarm sounds, evacuate the building immediately, following posted evacuation routes. Do not attempt to fight the fire. To ensure that all students are accounted for, your instructor will designate a location where everyone will meet after evacuating the building. This will likely be another building or a specific area away from the building. You should immediately report to that location.
3. **Other Emergencies:** In the event of other emergency situations, you will be provided with the necessary guidance from your instructor or class coordinator.
4. **Injuries:** While attending training programs at the ICE Academy, students are covered 24 hours a day, seven days a week for all activities incidental to the training assignment. Should you sustain an injury while at the ICE Academy, you must:
 - a. Report all injuries to the FLETC Health Unit and your Class Coordinator.
 - b. Complete form CA-1 provided by the Health Unit.
 - 1) If a Form CA-1 is not properly completed and submitted in a timely manner and/or the claim is not accepted by the Department of Labor, Office of Worker's Compensation Programs (OWCP) as a work related injury, you may be held responsible for all medical bills incurred.
 - c. Attend all scheduled medical appointments.
 - d. Failing to report, delaying or refusing medical care for any injury can lead to more serious or permanent injuries and may result in forfeiture of time-sensitive Continuation of Pay benefits. **Concealing or failing to report an injury, intentionally delaying medical care, or repeatedly cancelling/failing to appear for medical appointments that are scheduled by the health unit result in disciplinary action.** Remember – **ALL** visits to the Health Unit or any medical facility must be reported to your Class



Coordinator...

- 1) Depending on your injury, the Health Unit may schedule you to see a doctor in the local area. While appointments sometimes need to be rescheduled due to examinations or practical exercises, you are expected to attend those appointments as scheduled.
- 2) If you are injured after hours, report the injury to FLETC Security and seek treatment at the Trident Regional Medical Center located at 9330 Medical Plaza Drive, Charleston, South Carolina 29406. FLETC Security will provide transportation or directions to the hospital if necessary. Notify your Class Coordinator as soon as possible.

5. **Other Safety Rules and Regulations:** In order to ensure the safety of all students at the FLETC, you are expected to adhere to all safety rules regulations provided by your instructors. If at any time, you have concerns about your safety or the safety of those around you; bring it to the attention of your instructor.
6. **Weather:** The FLETC closely monitors weather situations in the area and utilizes an early warning siren system to alert students of severe weather. Severe thunderstorms and tornadoes involve lightning, high wind, rain, and/or hail that can be a significant hazard to training activities. When sirens sound, warning signals will be followed by a pre-recorded verbal message. Seek shelter immediately until the threat has passed and the "All-Clear" announcement has been issued.
 - a. Bugs – summer time and bug spray
 - b. FOTP classes that are held or involve outdoor activities will still run in inclement weather unless there is an electrical storm or more severe weather.
 - c. **Hurricane Evacuation Procedures:** In the event of a possible hurricane evacuation, your Program Specialist/Class Coordinator will be in contact with you to provide information that is more detailed. During an ordered evacuation, the FLETC has made arrangements to transport and house students at North Charleston Coliseum and Convention Center. When ordered to evacuate, students should be aware of the following

Presenter Note: Refer students to Tab D - "Health and Well Being" – in the FLETC *Facility Student Handbook* (location specific) for the following section.

7. **Heat:** Heat stress is a major concern due to the combination of physical activity, humidity, and high temperatures in the area. To combat heat stress injuries, the FLETC utilizes a flag system to limit outside activity during extreme heat and humidity weather conditions. Refer to your FLETC student handbook, D-3 for an explanation of the flag system.



- a. Hydrate! Hydrate! Hydrate! Never pass up an opportunity to get some water.

Presenter Note: Refer students to specific pages in the *ICE Academy Student Handbook* and the *FLETC Facility Student Handbook* (location specific) while presenting the conduct information. Because each training division's handbook is personalized, specific page numbers may vary. The Class Coordinator should review the handbook and note the pages related to each of the following section.

E. Conduct

1. As an ICE employee, you are expected to conduct yourself in accordance with all Federal policies and regulations outlined in "Principles of Ethical Conduct for Government Officers and Employees," Executive Order 12674, dated April 12, 1989, and the "Standards of Ethical Conduct for Employees of the Executive Branch," 5 CFR § 2635, dated August 7, 1992. You are also expected to conduct yourself in accordance with all ICE and programmatic policies and procedures that govern the on and off duty conduct of ICE law enforcement personnel.
2. While enrolled in the ICE Academy training programs you represent ICE, your program office (HSI, ERO, OPR, HSI-INTEL) and federal law enforcement in general. It is essential that you conduct yourself in a professional and businesslike manner at all times.
3. Throughout the course of training, your performance and attitude will be evaluated and documented by your instructors, you may be removed or dismissed from training at any time due to inadequate performance, lack of effort, failure to remain engaged in the training program, misconduct, or other disciplinary, performance, or conduct issues.
4. **Red Guns:** You will be issued a red gun that has the appearance and specifications of an actual firearm. While carrying this training weapon, you will treat it, and all training weapons encountered during your training as a real weapon. Horseplay with these weapons will not be tolerated. Do not point these weapons at anyone unless it is during a training exercise. When you are not carrying the weapon after hours, you must keep it locked in a secure place inside your room
5. **Parking and Traffic**
Parking: is open on FLETC Charleston. Remember to have your IDs and vehicle pass displayed
 - a. Obey speed limits and general traffic laws
6. **Classroom**
 - a. You will be courteous and respectful to your classmates, your colleagues, and all instructors regardless of agency.
 - b. Foul language, the use or display of racially or sexually derogatory slang and gestures, inappropriate remarks, ethnic



slurs, discriminatory comments or rude behavior will not be tolerated and can result in disciplinary action.

- c. The FLETC and all ICE Academy buildings are smoke-free workplaces. Smoking and the use of any tobacco product are absolutely prohibited in the classroom and any building on the FLETC campus. The use of lighted tobacco products is limited to the areas designated for that purpose.
- d. Sitting on desktops and propping feet on desks and chairs in the classrooms is not permitted.
- e. Food is not permitted in the classroom. Eating and gum chewing are also prohibited. Beverages are allowed with instructor permission provided they have lids and are disposed of properly. No food or beverages are allowed inside computer labs.
- f. All instructors need to be addressed by Mr. or Ms. Followed by their last name or "Sir" or "Ma'am". You may not address an instructor by his or her first name.
- g. Tardiness or absence from class is not tolerated and will result in disciplinary action. Unexcused absence from any graded activity will result in a zero or failed score.
- h. Use of a blackberry or cell phone is not permitted during a training session. All phones shall be set on vibrate or silent mode. Blackberries and cell phones may be used during the breaks, however, this is not considered an acceptable excuse for returning late to a training session

7. **Student Honor Code:** The ICE Academy abides by the same honor code as the FLETC. The FLETC Student Honor Code Applies to all work performed at the ICE Academy. Cheating will not be tolerated. Violations of the Student Honor Code are ground for immediate removal from training.

a. Off-Duty:

- 1.) You represent the Department of Homeland Security, Immigration and Customs Enforcement, and your program office 24 hours a day. Every act in which you are involved and every statement you make on and off duty hours will be scrutinized by your friends, your colleagues, and the public. Local residents pay close attention to the personal conduct of individuals they believe to be associated with federal law enforcement and the FLETC. Present yourself as a mature, professional adult at all times, both on-duty and off-duty.
- 2.) During off-duty hours, you will conduct yourself in a manner commensurate with your position as a federal employee/law enforcement officer. Off-duty misconduct may result in your removal from training at the ICE Academy and disciplinary action, up to and including removal from employment.



- b. For violation of ICE Academy or FLETC rules and regulations, a range of corrective options is available. These options range from a verbal caution, up to and including, dismissal from training. Corrective actions are administrative measure, not disciplinary or adverse actions. Corrective actions will be formally documented in your training record.
 - 1) If an official investigation, administrative inquiry, or referral for management action substantiates a finding that you have violation personal conduct requirements, the Student Honor Code, or other law, rule or regulation, you may be dismissed from training by OTD. You may also be subject to discipline or adverse action to be administered by your home program office and governed by the ICE Table of Offense and Penalties.
8. **EEO and Sexual Harassment:**
- a. In accordance with Public Laws, Executive Orders, Office of Personnel Management and Equal Employment Opportunity Commission regulations, the ICE Academy actively participates in and is committed to equal employment opportunity. If you believe you have been discriminated against based on race, color, national origin, religion, sex, age, disability (physical or mental) and/or you believe you are the subject of reprisal for participation in a protected EEO activity, you have the right to file a complaint of discrimination.
 - b. Title VII of the Civil Rights Act of 1964 prohibits sexual harassment. ICE does not tolerate sexual harassment in the work place. Any employee who believes that he or she has been the focus of some sort of sexual harassment should promptly notify the Class Coordinator or appropriate management officials.
9. **Fraternization Policy:** Students and staff have the right to expect that all decisions, in appearance and actuality, are based upon professionalism and impartiality. Fraternization and other inappropriate student/staff relationships violate the highest standards of integrity and impartiality needed to maintain and assure the effective performance of duties and maintenance of public trust. All incidents of inappropriate fraternization must be reported to the Class Coordinator.
10. **Disciplinary Procedures and Reporting Requirements:** For violation of ICE Academy or FLETC rules and regulations, a range of corrective options is available. These options range from a verbal caution, up to and including, dismissal from training. Corrective actions are administrative measure, not disciplinary or adverse actions. Corrective actions will be formally documented in your training record.
- a. ICE policy requires that incidents of misconduct by ICE employees must be reported to the Joint Intake Center (JIC, 1-877-2-INTAKE), or the nearest field location of the Office of Professional Responsibility. If you are unsure whether an incident you observed rises to the level of reportable misconduct, consult your Class Coordinator immediately for advice.
 - b. If an official investigation, administrative inquiry, or referral for management action substantiates a finding that you have violation personal conduct requirements, the Student Honor Code, or other law, rule or regulation, you may be dismissed from training by OTD. You may also be subject to discipline or



adverse action to be administered by your home program office and governed by the ICE Table of Offense and Penalties.

Presenter Note: Refer students to the *ICE Academy Student Handbook* and the *FLETC Facility Student Handbook (location specific)* for additional information regarding EAP and Crisis Management.

F. Critical Incident Stress Management Services

1. The ICE Academy recognizes that the rigors of training and the stress of being away from family can take a toll on students while attending training. If you would like assistance and guidance in dealing with personal or work issues, multiple counseling services are available. Reaching out for help or guidance to deal with stress issues should not be perceived as a weakness in character, but as "preventive maintenance." In fact, it takes a stronger person admit they need help than it does to keep it in and to yourself.
 - a. **The Employee Assistance Program (EAP)** offers a variety of services and assistance to ICE employees and their family members. These services are offered free of charge to the employee and his/her family and include confidential counseling, depression screening, personal development resources, referral for drug and alcohol addiction treatment, life event management, and others. The following company has been contracted to provide EAP services for the FLETC Charleston: SAVE, Inc. (843) 747-5327 Charleston Area (800) 768-5328 Other Locations
 - b. **The Peer Support Program:** 24 hour a day access to a support group of individuals in your peer group. Referrals to other confidential assistance programs are available if needed. 1-877-235-7337 toll free - 24 hours a day, 365 days a year.
2. **FLETC Critical Incident Stress Management (CISM)** has both a peer support program and professional counseling staff who are available to assistance students. No-cost, Confidential services available 24 hours a day, 7 days a week. CISM can be reached by calling 912-267-2633.

Presenter Note: The rest of the information in this briefing is specific to the training program and training division.

G. Training Program Information

1. In this course you will become proficient, or even more so in the following topics:
Legal authority, ICE Policy and Procedures, Use of Force, ERO HQ Policy
2. Overview of Course
 - a. Not only are there individual expectations for your performance in this course



- b. Not a SWAT course
 - c. Balance between law / legal authorities and locate and arrest techniques
 - d. Safety
- 3. Course Description
 - a. This course provides officers with investigative tools and methods to locate and arrest aliens amenable to removal
 - b. Students will conduct live case preparation
 - c. As a team, you will work together in various scenarios created to mimic as closely as possible in the training environment, what you will experience in the field.
- 4. Course Agenda: Refer to the Two-week schedule
 - a. The following topics will be covered during the duration of this two week course:
 - 1) 4th Amendment and ICE / ERO Policies
 - 2) Restraining Suspects
 - 3) Sources of Information
 - 4) Basic and Team Tactics
 - 5) Vehicle Stops
 - 6) Defensive Tactics
 - 7) One Hand Survival Techniques
 - 8) Concealment and Cover
 - 9) Surveillance
 - 10) Operational Planning



5. Performance Expectations

- a. All of the training you go through for the next two weeks will involve the following in some way:
 - 1) 4th Amendment and ICE Policy
 - 2) Use of Force
 - 3) Firearms – you will have a qualifying benchmark to meet that if not met, will require remediation in order to get you up to operational standards

6. Teams

- a. Not only will you be evaluated on an individual basis but as a team as well. In many scenarios you'll need to work together to accomplish a mission.
- b. Class President
- c. Teams of 6
- d. Contact information
- e. Team leader
- f. Vehicle

7. Preview of lessons in FOTP (Slides 16- 18)

- a. The following lessons are good examples of team work

Presenters Note: Each lesson preview has its own slide.

- b. Firearms & Tactics (Slide 16)
- c. Defensive Tactics & Arrest Techniques (Slide 17)
- d. Vehicle Stops (Slide 18)

8. Evaluation and Testing:

- a. Throughout the course of training, your performance and attitude will be evaluated and documented by your instructors. You may be removed or dismissed from training at any time due to inadequate performance, lack of effort, failure to remain engaged in the training program, misconduct, or other disciplinary, performance, or conduct issues. Dismissal from training may result in termination of your employment with U.S. Immigration and Customs Enforcement.
- b. Written Examinations: There is one written examination on day one. Students must score 70% to pass. Students who score below 70% will be given the opportunity to remediate and retest. Students who score below 70% on the retest will be removed from training. Students who score 70% or above will receive a grade of 70%.



- c. **Practical Evaluations:** There is a graded practical exercise on day nine. The practical exercise consists of three scenarios simulating various duties, responsibilities and challenges regularly faced by ERO field operation team members. Students will rotate through the three scenarios in 6-person teams. Students whose team fails a practical exercise will be given the opportunity to remediate. The failure can result from a critical error (automatic failure) during a scenario or failure to achieve an overall 70% on the scenario. If the team waives the opportunity to remediate, they will immediately participate in a modified practical exercise. Students whose team fails the remedial practical exercise will not receive a certificate of graduation. These students will receive a certificate of attendance.
- d. **Skills Assessment:** Students will participate in individual skill assessments throughout the training program. Skill assessment groups include operational planning, firearms, physical techniques and use of force. Students who fail any group will be given the opportunity to remediate that area. Students who pass the remedial skill assessment will receive a 70% in that area. Students who fail the remedial will not receive a certificate of graduation. These students will receive a certificate of attendance.
- e. **Remedial Policy:**
 - 1) ICE Academy and FLETC training programs are designed to help students succeed. Remedial training opportunities and additional work can be required to assist students struggling with skills or materials. Remediation protocols will be strictly followed to ensure fairness and objectivity. Falsifying results will not be tolerated.

Note: Any additional information presented in this briefing is at the discretion of the individual training divisions. The following sections in green are **suggestions** of additional information that may be added to the student orientation briefing. Any information provided in this briefing may not conflict with the ICE Academy Basic Student Training Handbook or the FLETC student handbook.

H. Additional Training Division Information

- 1. **Uniforms & IDs:** Uniforms will be issued for your use
- 2. **Handouts**
- 3. During graduation ceremonies, you will receive your Certificate of Graduation. Successful completion of an ICE Academy training program is an important achievement that demonstrates one's dedication and commitment to the high standards expected of all ICE employees.

I. Housekeeping

- 1. **Emergency Contact Roster**
- 2. **Bio Sheets**
- 3. Your personal FLETC mailing address is: Your Name Class Number 2000



Bainbridge Avenue Federal Law Enforcement Training Center Charleston, SC
29405-2607

CONCLUSION

I. Summary

The main point was to provide you with basic information regarding ICE Academy policies and procedures. We explain this information so that you clearly understand what is expected of you throughout your training. Some of the topics we have examined include the ICE Academy structure and facilities, emergencies, and conduct, as well as looking closely at the specific training program requirements.

Presenter Note: Remind students to refer to the FLETC Student Handbook and the ICE Academy Student Handbook OR see their class coordinator if they have any questions.

II. Motivation

As I stated previously, each of you have an important role to fill in the ICE organization and we are here to help you realize that. You now know your responsibilities and what you need to do to succeed. It is up to you to act on that.

Presenter Note: Allow and brief question and answer session as needed.

III. Integration

Next items on the agenda for the day



U.S. Immigration and
Customs Enforcement

ICE
ACADEMY

ICE Fourth Amendment and Policy Refresher

Administrative Warrants

- Not issued by a neutral and detached judicial officer
- Issued by immigration officials
- Not the same authority as a criminal arrest or search warrant – do not authorize entry of a target's residence, a trespass to collect evidence [Jones] or location that affords a REP
- Immigration enforcement – hot button topic; closely scrutinized – important to comply with the Constitution, court decisions and policy
- Courts – cannot always be counted on to support our positions
- Increasing use of criminal warrants



Fugitive Alien

- An alien who -
- Has failed to comply with a final order of deportation, removal or exclusion or
- Has failed to report or appear as demanded by ICE
- Main goal of NFOP – reduction of the national fugitive alien backlog
- ICE policy [12/8/09 AS memo] – final orders of removal should be enforced and those who knowingly disobey or evade a final order of removal should be apprehended and removed



Surveillance

(b)(7)(E)

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Curtilage

- A concept from an earlier time but still relevant
- Closely related to the high level of REP in a home or residence
- Protects families and personal privacy in an area linked to the residence
- Four (4) key factors to consider
- Back yard – has a higher level of REP than front
- Generally does not prevent right to access a residence [trespass to collect evidence?]
- Without consent/warrant – never permissible to enter an area with a locked gate or climb over a privacy fence
- Open fields – unoccupied/undeveloped; no REP [Jones]



Consent

- Established exception to the warrant requirement/major litigation issue
- Must be given by adult with actual or apparent authority
 - Must have good faith belief the person is an adult with apparent authority
 - No duty to investigate unless reason to question age/authority
- Actual authority – owner, renter, co-tenant, hotel/motel guest [someone with REP in the object of the search]
- Apparent authority – constitutional requirement [Illinois v. Rodriguez (1990)]
- Consent giver – must be at least 18 YOA [policy]
- Common authority – husband/wife; co-tenants [U.S. v. Matlock (1974)]
 - Mutual use of property
 - Joint access and control for most purposes
 - Not to be inferred from a mere property interest [someone with REP]
 - U.S. v. Shelton (5th Cir. 2003) – consider all factors; assumption of the risk
- Consent must be voluntary/not the result of coercion [Schneckloth (1973)]
- Must have consent to enter and to search/look around



Consent

- Be aware of factors that may result in coercion – number of officers at door; weapons displayed; tone of voice; language that is demanding/ commanding
- Ruses – permissible as long as not coercive
 - Deliveryman, hit and run investigator, restaurant customer - OK
 - Intruder, gas leak – not OK [recent adverse decisions]
- Consent-giver need not know of right to refuse – just one factor
- Always obtain a verbal expression of consent
- Scope of consent – objective standard [Florida v. Jimeno (1991)]
- The burden is always on the government to prove that consent was given voluntarily



Consent

- Where consent to search for T has been obtained – search must terminate when the T has been located – unless:
 - Further consent is obtained
 - A basis for a protective sweep can be articulated
 - Exigent circumstances – extremely rare
- Withdrawal/revocation of consent
 - OK until T is seen by officers
 - Not just consent-giver – other with equal authority
[Randolph v. Georgia]
 - What to do if faced with consent/refusal to consent – contact AUSA for search warrant
- Important to communicate discovery of T to FOT members
- Document/record required info on FOW and I-213
- See HB:16-17 and 1/19/10 AD memo



Protective Sweep

- Allowed only if there are articulable facts warranting a reasonable belief there is a person posing a danger to officers/others on the scene [MD v. Buie (1990)] / Hassock
- Limited, cursory search for that person/threat
- May last no longer than necessary to dispel suspicion of danger or to complete the arrest [including IDs/checks]
- Does not authorize the opening of locked doors
- Permits search of places where a person might hide
- Not automatic and not for “officer safety” only
- Learn as much as possible about the criminal record and background of the T and others at the residence



At the Time of Arrest

- Comply with 8 CFR 287.8(c)(2)(iii)
 - ID yourself as an immigration officer authorized to execute an arrest
 - State that the T is under arrest
 - State the reason for the arrest (warrant for removal)
- Ask the 3 questions – medicine/medical issues; travel documents; responsible for kids [HB:18]
- Suggestion –combine 287.8(c)(2)(iii) notice with the 3 questions into a standard litany
- Comply with juvenile policy



Prosecutorial Discretion

- Need to carefully allocate limited detention resources
- Those resources are to be focused on fugitive aliens, previously removed aliens, removable aliens convicted of crimes and those subject to mandatory detention
- Should not detain aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing or sole caretakers of children or the infirm [HB:19]
- Otherwise, need FOD approval and SEN to HQ [12/8/09 AS memo]



Place of Employment

- To execute an admin warrant, entry is permitted into the public area of a business where no REP exists
 - Public area – waiting room, area at counter in restaurant
 - Non-public – work area of warehouse, industrial shop at a plant/mill, or kitchen of a restaurant
- Obtain consent from person with authority in order to enter non-public areas
 - Construction site – general contractor; not the foreman of crew pouring cement
 - Restaurant – manager/asst manager; not hostess/waitress



Search Incident to Arrest

- Lead case – Chimel v. California (1969)
- Upon arrest authorizes an officer to search the arrestee for weapons [resist/escape] and destructible evidence
- Also authorizes search of area within the immediate control of the arrestee
- New York v. Belton (1981) – arrest of vehicle occupant permits SIA of passenger compartment of car and any containers therein
- Arizona v. Gant (4/21/09) – limited vehicle SIA
 - Gant – possible impact on Chimel?



Vehicle Stops

- Vehicle stops permitted by those with FLETC training
- Vehicles must meet state emergency equipment requirements
- ERO officers are not permitted to engage in vehicle pursuits – whether high-risk or low-risk
- SIA / scan interior
- HB:17



Consensual Encounters

- One of 3 types of encounters a person can have with a LEO [others – investigative detention/Terry stop and arrest]
- OK for a LEO to approach a person in a public place and ask if he/she willing to answer questions
- The subject must retain freedom to decline to answer questions, terminate the encounter and leave
- OK to go to residence and ask if person will answer questions or provide consent to enter
- INA 287(a)(1) – power to interrogate an alien
- 8 CFR 287.8(b)(1) – authority to ask questions of anyone as long as the person's freedom to walk away has not been restrained



Investigative Detention

- The second of the 3 types of encounters [Terry v. Ohio (1968)]
- The LEO must have a reasonable, articulable suspicion that criminal activity is occurring
- Should be temporary in nature, diligently pursued and last no longer than needed to resolve the reason for the stop
- Be careful that the encounter does not turn into an arrest before probable cause has been established
- 8 CFR 287.8(b)(2) – an immigration officer with reasonable suspicion, based on specific, articulable facts may briefly detain for questioning one suspected of federal criminal activity or of being an alien illegally in the U.S.



Enforcement Near Sensitive Locations

- Absent exigent circumstances, other LE action or prior approval – no enforcement action at a sensitive location

(b)(7)(E)

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- Exceptions



Hot Pursuit

- Five (5) requirements:
 - Probable cause to arrest for a serious offense
 - Immediate or continuous pursuit
 - From a public area to a residence/trailer/etc.
 - Probable cause that the suspect has entered that structure
 - Existence of exigent circumstances – weapon [threat to officers/public]
- Administrative warrant – not a serious offense
- Two situations where may apply for ERO officers –
 - Chase of armed, violence-threatening alien to residence
 - INA 287(a)(5) - Serious federal offense committed in the officer's presence [ex: bank robbery]
- BUT - always consider officer safety issues before entering



Criminal Warrants

- Being used more frequently by ERO – Detroit, NYC, Houston
- Criminal arrest and/or search warrant – resolve with AUSA
- Criminal arrest warrant – provides authority to enter a residence where the defendant lives when there is reason to believe he/she is present [Payton]
- Arrest warrant / complaint / affidavit – must set forth probable cause that an offense was committed by the defendant
- Search warrant / application / affidavit – probable cause that evidence of a crime and/or the T will be found there
- Search warrant – governed by Rule 41, FRCrP
- [daytime hours / USMJ – state COR / objects of search]
- Have examples available – may have to prepare all forms



Criminal Warrants

- Timely coordinate with USAO for arrest and/or search warrant
 - Know USAO and who/how to contact
 - Show the AUSA samples ahead of time; more likely to assist
 - Use samples used in past by other officers/AUSAs
 - At first, save requests for priority fugitives/targets
- Special factors for search warrants
 - Must particularly describe place to be searched/person or things to be seized
 - Must execute the warrant within specified time, no longer than 14 days
 - Must prepare and verify an inventory of any property seized
 - Must leave copy of warrant and receipt for the property taken
 - Must promptly return to the USMJ designated on the warrant



Plain view

- Original intrusion must be lawful [ex: consent entry]
- Observed while the officer is confining activities to permissible scope [ex: looking for T or conducting a protective sweep]
- Must have lawful right of access to the object
- Must be immediately apparent [p/c standard] that item is contraband or evidence of crime [ex: drugs]
- What does this mean for you?
- How often do plain view seizures occur?
- Problems: no policies re: custodians/storage



Assisting Other Law Enforcement

- Know your authority – which agency is assisting another?
- If your operation, do not have other agencies take the lead; make sure the LEOs know your authority and what you can/cannot do, although they will operate under their policies and procedures
- You do not want deputy marshals knocking down doors, or local officers tasing your target or doing a health and welfare check
- As federal officers you have the authority to assist any other LEA whether federal, state or local
- If the operation and authority is that of the other LEO, let them take the lead while you take a peripheral role
- Try to assist other agencies rather than piggy-back on their authority [ex: USPO - come pick these suspected aliens up]
- Probation/locals – assist them as translators/back-ups



Why the 4th Amendment Matters

- TRO's/injunctions against ERO operations
- Possible civil liability against the agency and/or officer
- OPR investigation/potential Giglio problems
- Other – criminal prosecution for egregious violations [18 USC 2236]



THE END

(b)(6),(b)(7)(C)

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(b)(6),(b)(7)(C)





U.S. Immigration and
Customs Enforcement

ICE
ACADEMY

ICE Policy Refresher

Resource Organizations

- **NFOP (National Fugitive Operations Program)**
 - Identify and arrest fugitives, previously removed, and criminal aliens in the U.S.
 - Budgetary and operational oversight of the overall NFOP mission
- **FOSC (Fugitive Operations Support Center)**
 - Reduction of backlog through reviews and data integrity updates of fugitive cases in EARM
 - Maintains cold case docket
 - Refers leads to the field



Resource Organizations

- **LESC (Law Enforcement Support Center)**
 - Support to field through electronic records checks to identify and arrest fugitives and other aliens of interest to ICE
 - Enter and maintain ICE warrants in NCIC
 - Conduit for Secure Communities
- **PAO (Public Affairs Officer)**
 - Media inquiries, press releases
 - Notify prior to large or significant operations
 - All field enforcement officers keep contact info



Resource Organizations

- **Liaison and Task Forces**

- Interaction with other LEAs, task forces, and NGOs encouraged
- ERO LEOs, may participate on LEA task forces given the following:
 - ✓ Approved by the FOD,
 - ✓ LEA shares common goals with the NFOP, &
 - ✓ LEA contributes to the ERO mission as a force multiplier
- When working with ICE, Non-ICE LEAs act under the authority of their agency's policies and procedures



Database Mandates

(b)(7)(E)

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Database Mandates

(b)(7)(E)



Apprehension Directives

Civil Priorities

1. Aliens dangerous to national security/public safety

Criminal Offense Levels - SC

1. Agg Felons or 2+ "felonies "punishable by >1yr each
2. Any felony or 3+ "misdemeanors "punishable by <1yr each
3. crimes punishable by less than 1yr

2. Recent illegal entrants

3. Alien fugitives or immigration control obstructers



Apprehension Directives

NFOP Priorities

Tier 1 Fugitive aliens (b)(7)(E) FOT resources)

I. National security, II. Violent crime/community threat III. Other conviction, IV. No criminal conviction

Tier 2 Re-entries

I. National security, II. Violent crime/community threat III. Other conviction, IV. No criminal conviction

Tier 3 Removable criminal aliens

I. Level 1 SC, II. Level 2 SC, III. Level 3 SC

- ✓ **Most current final orders and investigative leads first**
- ✓ **May place “non-tier” aliens into proceedings**
- ✓ **Reduce fugitive backlog by 5% yearly**
- ✓ **FOW – signatures 2nd line not required unless after hours**



Apprehension Directives

Juveniles

- **FOJC** (Field Office Juvenile Coordinator)
 - If juveniles possible, probable, or encountered
- **Separate from unrelated/non-guardian adults**
- **USC/LPR**
 - ✓ CPS
 - ✓ LEA
 - ✓ Document Verifiable 3rd Party
- **Removable alien**
 - ✓ **JFRMU** (Juvenile Family Residential Management Unit)
 - ✓ **ORR** (Office of Refugee Resettlement)



QUESTIONS?





U.S. Immigration and
Customs Enforcement

ICE
ACADEMY

Field Operations Training Program

FIELD OPERATIONS

One Team One Fight

We are our Nation's Homeland Security:

- National Fugitive Operations Program
- Secure Communities
- Criminal Alien Program
- Violent Criminal Alien Section
- Joint Criminal Alien Removal Taskforce
- Law Enforcement Agency Response unit



ICE ACADEMY

Mission, Vision, Values

Our Mission:

Develop & Deliver professional training in order to provide ICE employees with the Knowledge, Skills, and Abilities essential to ICE's National Security and Law Enforcement mission

Our Vision:

Prepare agency personnel for the rigors of their duties

Core Values:

Innovation ~ Commitment ~ Education ~ Achievement



ICE Academy Management Staff

Chief

(b)(6),(b)(7)(C)

Unit Chief, ERO

(b)(6),(b)(7)(C)

O-843-745

C-912-577

(b)(6),(b)(7)(C)

Section Chief, ERO

(b)(6),(b)(7)(C)

O-843-745

C-912-577

(b)(6),(b)(7)(C)



ICE Academy ERO Staff

Coordinator

**O-843-
C-**



Resources

- Classroom Buildings
 - Main Classroom Building - Bldg (b)(6),(b)(7)(C)
 - Bathrooms / Snack Bar
 - Computer Labs
 - Mat rooms – Bldg (b)(6),(b)(7)(C)
 - Firing Range – Bldg (b)(6),(b)(7)(C)
 - SBTA
- FLETC Convenience Complex – Building (b)(6),(b)(7)(C)
 - Health Unit
 - Post Office
 - Old Gym / Basketball courts
- New Gym / Uniform Issue – Building (b)(6),(b)(7)(C)
- Off site Training – Naval Weapons Station
- ICE Building (b)(6),(b)(7)(C)



Resources – computer room

- FLETC Computers are set up in building room [REDACTED] to access your email and the internet [REDACTED]
- ICE Computers are in building [REDACTED] room [REDACTED]
- Combo for cipher is [REDACTED]
- Available during and after business hours



Emergency Procedures

- Phone numbers:
 - (b)(6),(b)(7)(C) from base phone to access local police
 - 911 for FLETC
 - 843-746 (b)(6),(b)(7)(C) – Health Services Unit
 - 843-974 (b)(6),(b)(7)(C) – FLETC Security Police
 - 843-566 (b)(6),(b)(7)(C) – Security Specialist
- Be Prepared:
 - Fire review exit plans
 - Injuries – report to coordinator and health unit
 - Weather - hydrate, avoid alcohol/caffeine
 - Bugs
 - Hurricanes



Conduct

You Represent ICE and ERO

- Respect classmates, colleagues and all staff
- **Weapons (VCC)**
- **Red Guns/equipment/ICE vehicles**
- **Parking, Speed limits, and Traffic**
- **Student Honor Code**
- **EEO and Sexual Harassment**
- **Fraternization Policy**
- **Disciplinary Procedures**
- **Stress Support**
- Class hours are 7:30 to 4:30 (M-F)
 - Remediation conducted on AUO
- No food during class
- Cells phones on vibrate



Training Goal

Officer Proficiency in the following:

- Legal authority
- ICE Policy and Procedures
- Use of Force
- ERO HQ Policy



Overview of Course

- Not a SWAT-course! This course is about locating, arresting and removing aliens
- Balance between law/legal authorities, locate and arrest techniques
- SAFETY FIRST—Be alert to your surroundings!



Course Description

This course provides ICE officers with investigative tools and methods to locate and arrest aliens amenable to removal

Live case preparation

Teams will conduct field surveillance, determine the location of a target and perform three field operations on the final practical exercise

Scenarios include a vehicle stop, business and residence arrest



Course Agenda

Refer to the two-week schedule

Some Topics We'll Cover:

- 4th Amendment and ICE / ERO Policies
- Restraining Suspects
- Sources of Information
- Basic and Team Tactics
- Vehicle Stops
- Defensive Tactics
- One Hand Survival Techniques
- Concealment and Cover
- Surveillance
- Operational Planning

Final Practical Exercise



Performance Expectations

- 4th Amendment and Policy Requirements
- Use of Force
- Firearms Standards
- 70% overall score required
- Remediation is conducted on AUO



Teams

- **The Class President will be determined in class**
- **Six person teams**
- **Know your team members names and contact numbers**
- **Select your team leader**
- **Each team has an individual who will be authorized an ICE vehicle to be utilized during and after hours with your team**



Firearms & Tactics Training

- Firearms qualification for score
- Weapons handling.
- Movement, room clearing
- Engage, move and communicate.
- Stress judgment shooting, moving to cover/concealment, communicate.
- Firearms training, low-light, downed officer and tactical threat engagements
- Team Tactics



Defensive Tactics and Arrest Techniques Training

- Arrest techniques refresher
- Defensive tactics
- Ground defense

All students will be evaluated



Vehicle Stops Training

- ICE policy allows for vehicle stops
- Ruse stops
- Policy does not allow for **any** type of pursuits



Field Operations

- Laboratories
- Graded practical exercises
- Several different scenarios involving the following:
 - Consent issues
 - Legal authority
 - Slow and methodical searches
- Graduation



Evaluations and Testing

- Written exam on legal and policy concepts from the VU course
 - 70%
 - One remedial/failure equals removal
- Individual skill assessments
 - 70% in each skill group
 - Individual basis (*one remediation per skill group)
- Graded practical exercises
 - 70% overall on each scenario
 - 100% required in critical areas
 - Team basis (*one remediation per scenario)

*Maximum score after remediation is 70%

- 70% overall required to graduate



Handouts

- Individual student checklists
- Team checklists



Summary

- Importance of training
- Importance of safety
- Rules of training
- Key topics in DFOTP center around:
 - 4th Amendment
 - Use of Force
- Balance between legal responsibilities and locating and arresting fugitive aliens



Agenda for the day

- Uniform issue
- PT Screening
- 4th Amendment / Policy Refresher and exam



**U.S. Immigration and Customs Enforcement
OFFICE OF TRAINING AND DEVELOPMENT**

**ICE Academy
Enforcement and Removal Operations**



One Hand Survival Techniques

Lesson Plan

Field Operations Training Program

Control Page

Developed By:**JUN 2010**

(b)(6),(b)(7)(C)

CDI, Advanced Training Section, ERO Academy

DI, Advanced Training Section, ERO Academy

Signature_____
Signature**Content Approved By:****SEP 2010**

(b)(6),(b)(7)(C)

Section Chief, Advanced Training Section, ERO Academy

Unit Chief, Advanced Training Section, ERO Academy

Signature_____
Signature**Instructional Design Reviewed By:****SEP 2010**

(b)(6),(b)(7)(C)

Instructional Designer, OTD-IMU

Signature_____
Signature**[Note: the following should appear at the bottom of the first page of the Control Page.]**

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Record of Changes

Date of Change	A=Add. M=Mod D=Del.	Description of Change	Reason for Change	Approved By (FN, LN, Operational Unit Chief or IMU Representative)
06-2010	M	Formatted Lesson Plan with OTD format	Major Revision to Course and Lesson Plan	
08-2010	D	Deleted EPO #1	Not needed given wording of other EPOs	
08-2010	M	Formatted Lesson Plan with updated OTD format	Major Revision to Course and Lesson Plan	
8-2012	M	To conform with change to DFOTP model schedule and change to weapon used	One-handed Techniques is taught on TD 10 at the Main Driver Training area and students are provided an ICE issued safe gun at the beginning of DFOTP	(b)(6),(b)(7)(C) Acting UC

Table of Contents

LESSON DESCRIPTION	5
LESSON ADMINISTRATION	7
INTRODUCTION.....	8
INSTRUCTION.....	10
I. Explanation/Demonstration	10
B. EPO 1: Grip and draw weapon using only strong hand and only support hand	10
C. EPO 2: Execute emergency reload using strong and support hand only	11
D. EPO 3: Perform strong and support hand magazine exchanges.	12
E. EPO #4 Carry out strong and support hand only immediate action procedures.	13
II. Student Practice.....	14
III. Feedback and Remediation	14
CONCLUSION	15
Instructor Notes on Lab Exercises	16

LESSON DESCRIPTION

I. LESSON TITLE

One Hand Survival Techniques

II. PROGRAM/COURSE TITLE

Field Operations Training Program

III. DESCRIPTION

The principles and techniques of One Hand Survival Techniques are developed through lecture, demonstration, and observed performance. The course objectives allow the students to safely practice one hand survival techniques and handling skills using their issued safe gun and dummy rounds. The student will draw from the holster using the strong hand and support hand only, demonstrating one hand only emergency reload drills, magazine exchanges, and immediate action procedures. The exercises provide students with the methodologies and techniques of solving problems with their semiautomatic handgun in either hand. This lesson is taught primarily in a classroom environment with the instructor giving direction and feedback as he/she demonstrates various techniques.

IV. TERMINAL PERFORMANCE OBJECTIVE:

- Condition:** Given a semiautomatic safe gun, two magazines, six dummy rounds, and a simulated injury scenario
- Behavior:** the ICE officers will display fundamentals of weapon handling skills performing one emergency reload and one immediate action drill
- Criterion:** in accordance to Part 3 A of the Interim ICE Firearms Policy.

V. ENABLING PERFORMANCE OBJECTIVES:

1. Grip and draw weapon using strong and support hand only
2. Execute emergency reload using strong and support hand only
3. Perform strong and support hand only magazine exchanges
4. Carry out strong and support hand only immediate action procedures

VI. LENGTH OF LESSON

PRESENTATION (Including Demonstration)	STUDENT PRACTICE	STUDENT EVALUATION	TOTAL
30min	1hr	30min	2hrs

LESSON ADMINISTRATION

I. LESSON TITLE

One Hand Survival Techniques

II. RISK MANAGEMENT PLAN (If Required)

Facilitator should conduct a briefing for all shooters regarding safety considerations.

This is a dry-fire course with dummy rounds only. **At NO time will live ammunition be used.** Instructors are to be certain that no live ammunition is on or near the students during these exercises.

III. FACILITY REQUIREMENTS

The lesson is conducted at the Main Driver Training area classroom, simultaneous to the Vehicle Stop lab.

IV. TRANSPORTATION REQUIREMENTS

If vehicles are not assigned to students, transportation to the Main Driver Training area is to be coordinated with FLETC via the model schedule.

V. REQUIRED STAFF

There will need to be (b)(7)(E) lead instructor, and (b)(7)(E) assistant instructor.

Instructor Special Requirements: The instructor should be proficient with these one-hand survival techniques before demonstrating.

VI. ACADEMY PROVIDED TRAINING AIDS/EQUIPMENT

- (b)(7)(E)
-
- Two magazines
- Eye protection

VII. STUDENT PROVIDED EQUIPMENT

Duty belt to include holster & magazine pouches. If applicable, students should bring their ICE academy issued safe gun and magazines to this class.

VIII. STUDENT HANDOUTS/MATERIALS

n/a

IX. ATTACHMENTS

Risk Assessment Worksheet

X. REFERENCES



INTRODUCTION

Instructor Notes: *RAPPORT AND OPENING STATEMENT*

Welcome students to class; state the title of the lesson, and the lesson description from the syllabus. The lead instructor must introduce himself/herself and all co-instructors if these parties are unknown to the students. Make students feel comfortable.

I. Motivation

The LEO could possibly find himself/herself in a situation where two-handed hand gun operation cannot be utilized due to an injury. This course was designed to demonstrate to the LEO that they can draw, reload, or clear malfunctions when he or she has only one hand in operable condition.

Instructor Notes: Briefly discuss the real life story of (b)(6),(b)(7)(C)

II. Objectives

A. Terminal Performance Objective(s)

Condition: Given a semiautomatic safe gun, two magazines, six dummy rounds, and a simulated injury scenario

Behavior: the ICE officers will display fundamentals of weapon handling skills performing one emergency reload and one immediate action drill

Criterion: in accordance to Part 3 A of the Interim ICE Firearms Policy.

B. Enabling Performance Objectives

- EPO #1 Grip and draw weapon using strong and support hand only
- EPO #2 Execute emergency reload using strong and support hand only
- EPO #3 Perform strong and support hand only magazine exchanges.
- EPO #4 Carry out strong and support hand only immediate action procedures.

III. Advanced Organizer of Ideas

ERO personnel must become familiar with the concepts of survivability in the event one of their hands is incapacitated. Here are the main ideas we will focus on in this course:

- Gripping and drawing using one hand
- Emergency reloading with one hand
- Exchanging magazines with one hand
- Conducting immediate action procedures



IV. Review of Prerequisites

Student must be currently qualified with and authorized to carry an ICE approved firearm.

V. Agenda

This is how the course will proceed:

- The instructor will review firearms safety.
- The instructor will explain one hand survival techniques.
- The instructor will briefly demonstrate one hand survival techniques.
- The student will practice one hand survival techniques.
- The student will be assessed on one hand survival techniques.



INSTRUCTION

I. Explanation/Demonstration

A. Firearms Safety Brief - the four primary rules of firearms safety

1. Treat all firearms as if they were loaded! Make no exceptions
2. Never point the muzzle at anything you do not intend to shoot
3. The trigger finger should stay off the trigger until you have made the decision to shoot
4. Be sure of your target and what is beyond it

Instructor Notes: Instructor holds up a training weapon for the students to see, indicating that the trigger finger should stay off the trigger.

B. EPO 1: **Grip and draw weapon using strong and support hand only**

1. Drawing with strong hand: the weapon is drawn in the normal manner out of the holster
2. Drawing with support hand
 - a) Reach across with the support hand and deactivate the holster retention
 - b) Raise the weapon only enough to clear the trigger guard and turn the weapon around in the holster until the butt/magazine floor plate faces forward
 - c) Using the holster for support, establish a grip, draw the weapon, and present the weapon toward the threat
3. Options depending on the student's physique:
 - a) Reach around behind the back to remove the weapon from the holster
 - b) Unsnap the belt keepers and pull the duty belt causing it to rotate and bring the holster closer to the support hand



C. EPO 2: Execute emergency reload using strong and support hand only

1. Emergency reloads: Reloading with the slide locked to the rear

Instructor Note: If the student is using a Glock or another weapon system where the magazine floor plates are not easy to hook onto something, they can push in on the magazine release and in a forceful downward motion; hit their forearm onto their thigh. They must ensure the wrist and magazine are away from the leg when performing this technique in order for the magazine to be able to drop from the magazine well. While this option cannot be ignored, the majority of malfunctions and double feed problems can be cleared with RIP-WORK-TAP.

- a) When the weapon is held in one hand, the magazine release button is depressed by the following action: right hand – use thumb; left hand - use index finger
- b) The weapon is secured either between the thighs, in the holster, in the bend behind the knees, or in the waistband with the magazine well exposed
- c) The operable hand retrieves a magazine from the pouch
- d) Using the operable hand, the fully prepared magazine is inserted into the magazine well
- e) Tap floor plate of magazine to make sure it is fully seated and locked
- f) Grip on the weapon with the operable hand and ensure the trigger finger is outside the trigger guard

2. Slide release methods

- a) Depress the slide catch with either the right hand thumb or left hand index finger
- b) Hook the rear sight against a hard object such as the gun belt, holster, heel of a boot/shoe, the edge of a wall, or a desktop. Push down with the weapon so that the slide is pushed back and the slide catch is released
- c) Allow the slide to go forward freely. **DO NOT RIDE THE SLIDE FORWARD!!** Visually check the weapon to verify the slide locked into battery
- d) An alternative method to using the rear sight is to use the exposed breech area of the slide to push against an object.



Instructor Notes: Explain to the students that the extended time necessary to perform this type of reload can be a dangerous option for the shooter. The magazine exchange should only be considered if there is a lull in the action and the shooter has a position of advantage.

D. EPO 3: Perform strong and support hand magazine exchanges.

1. While holding the weapon in one hand, point the muzzle directly at the floor/ground and depress the magazine release button by the following action:
 - a) Right hand - use thumb
 - b) Left hand - use index finger

Instructor Notes: Explain to the students that in the event the magazine falls out of the well, only recover the magazine with rounds in it from the ground when it is safe to do so – don't take your eyes off threat!.

2. The student should secure the weapon in the holster with the magazine well exposed and the magazine extended slightly out of the well
 - a) Can be secured under the arm, or back of the knee with muzzle pointed away from you but remember that there is a round in the chamber
3. Once the weapon is secured, use the operable hand to grasp the end of the magazine and remove it from the well
4. Place the partially filled magazine in your pocket
5. The operable hand retrieves a full magazine from the pouch and secures it in the magazine well
6. The weapon is removed from the secured area with the operable hand and now is ready to resume threat engagement or active threat cover measures
7. Because a round remains in the chamber, the slide does not need to be worked to chamber a round after the magazine exchange



E. EPO #4 Carry out strong and support hand only immediate action procedures.

Instructor Notes: Inform students this method is effective in clearing the majority of weapon malfunctions such as: improperly seated magazine, defective round/ammunition, stove-piped casing, slide not fully into battery, and no round in the chamber.

1. Tap-Rack-Ready - the primary method of clearing a malfunction
 - a) Take the finger off the trigger and place it alongside the frame
 - b) **TAP** the bottom of the magazine against the thigh on the side where the weapon is located or on another firm object to ensure that the magazine is seated properly
 - c) **RACK** the slide by hooking the rear sight against a hard object such as the gun belt, holster, heel of a boot/shoe, the edge of a wall, or a desktop
 - d) Push down with the weapon so that the slide is pushed back and the slide catch is released
 - e) **READY** is when the weapon is removed from the secured area with the operable hand and now is ready to resume threat engagement or active threat cover measures

2. Rip-Work-Tap-Rack-Ready – This secondary procedure is performed **AFTER** you have attempted the primary method of clearing a malfunction

Instructor Notes: Point out to the students that, on occasion, the LEO might find it necessary to lock the slide to the rear before clearing a double feed malfunction. Use the method to hook the rear sight on a firm object and push down on the weapon, thereby allowing the slide to go to the rear. Then using the right thumb or left index finger, push up on the slide catch and allow the slide to lock back. Once the slide has been locked back, proceed with the method of one hand rip-work-tap-rack ready.



- a) Push on the magazine release button and hook the lip of the magazine floor plate on the gun belt, holster, or other firm object that will offer some resistance and push weapon away from the hooked floor plate to **RIP** it from the well
- b) **WORK** the slide two or three times by hooking the rear sight against a hard object such as a gun belt, holster, heel of a boot/shoe, the edge of a wall, or a desktop
- c) Insert new, fully loaded magazine (as demonstrated during EPO #2)
- d) **TAP** the bottom of the magazine against the thigh on the side where the weapon is located or on another firm object to ensure that the magazine is seated properly
- e) **RACK** the slide by hooking the rear sight against a hard object such as the gun belt, holster, heel of a boot/shoe, the edge of a wall, or a desktop
- f) Push down and away from the body with the weapon so that the slide is pushed all the way to the rear
- g) **READY** is when the weapon is removed from the secured area with the operable hand and now is ready to resume threat engagement or active threat cover measures

II. Student Practice

During class the students will practice the steps for Emergency Reloads, Tap-Rack-Ready, and Rip-Work-Tap-Rack-Ready

Instructor will first talk the students through the technique three or four times

Students will then be instructed to perform the technique three or four times on their own as the instructors rotate around the classroom

III. Feedback and Remediation

As the students perform the Grip and Draw, Magazine Exchange, Emergency Reload, Tap-Rack-Ready, and Rip-Work-Tap-Rack-Ready actions, the instructor(s) will walk around the instructional area observing.

When it seems a student is not performing the tasks as instructed, the instructor (s) will stop the student and remediate on the spot.

The instructor should debrief the exercise and point out any opportunities and/or responsibilities the students missed.



CONCLUSION

I. Summary of Main Ideas

Law enforcement operations are inherently dangerous. Should the officer become injured and quit, he or she will surely lose. Being confident in your weapons handling skills will ensure a positive mindset. We practiced drawing, firing and changing the magazine of a weapon using only your strong hand OR your support hand which helps build that confidence

II. Integration

Though shooting one handed should not be done unless necessary, these techniques can be used anytime one hand is occupied or disabled.

III. Objective(s)

ERO personnel will be comfortable using one handed techniques with weapon.

Instructor should ask the class if they have met the objectives by posing the question to the group and then asking for a student to tell what they learned about that objective.

For example:

"What was one of your largest take-aways from this exercise?"

IV. Motivation

Situations arise in the field that may require one handed techniques while using a weapon. These techniques could potentially save the life of the ERO personnel or innocent bystanders. ERO personnel will need to think and act fast to solve unexpected issues during an altercation.

V. Test of Final Activity

The instructor shall use the Field Operations skills assessment checklist to document that the student use proper one-handed techniques to perform an emergency reload and an immediate action drill.



Instructor Notes on Lab Exercises

- Students first be divided into 2 equal groups (of 12)
- Half of the students will be at the Vehicle Stop Lab while the other half attend One Handed Techniques instruction
- The instructor will be in front of the class, demonstrating the techniques
- Then the students will perform the technique, with the instructor guiding the student through each step
- Instructors should walk around the room, observing and when necessary remediating students
- Once the students have been given enough time to practice and the instructor observes that the students are performing the techniques correctly; the instructor will begin the formal assessment using the Skills Assessment Worksheet
- At the end of the 2 hour block, the 2 groups of students will switch, and the instructor will repeat the above lesson.

ICE

4th Amendment Training [Refresher for ERO FUG OPS]

Office of the Principal Legal Advisor
Revised July 2011



U.S. Immigration
and Customs
Enforcement

The Fourth Amendment

- Applicable to situations that may be encountered while conducting ICE operations
- Imposes limits on law enforcement officer's authority by prohibiting unreasonable searches and seizures

The right of the people
TO BE SECURE IN THEIR PERSONS,
HOUSES, PAPERS, AND EFFECTS,
AGAINST UNREASONABLE SEARCHES
AND SEIZURES, SHALL NOT BE VIOLATED,
AND NO WARRANTS SHALL ISSUE,
BUT UPON PROBABLE CAUSE,
SUPPORTED BY OATH OR AFFIRMATION,
AND PARTICULARLY DESCRIBING THE
PLACE TO BE SEARCHED, AND THE
PERSONS OR THINGS TO BE SEIZED.



Is the Fourth Amendment Applicable?

- Is there a
 - Governmental
 - Intrusion
 - Into a protected interest?



Government

- Includes law enforcement officers and agents
- Includes civil employees, i.e. building inspectors, school officials, OSHA
- Also includes private individuals acting under the Government's direction and/or request



Protected interest

A person must have a legitimate *reasonable expectation of privacy* (REP) (two part test):

- Subjective expectation of privacy that
- Society is prepared to recognize as objectively reasonable

There's no place like home!



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WHAT IS A SEARCH?

A search occurs when:

There is a governmental intrusion into area where an individual has a reasonable expectation of privacy.



When does an intrusion amount to a search?

Depends on the particular factual circumstances, but:

Generally considered a search:

- ♦ Thermal imaging
- ♦ Opening a door

Generally not considered a search:

- ♦ Dog Sniffs
- ♦ Visual Aids (flashlight)
- ♦ Mobile tracking devices (GPS)



Seizure

What is a seizure?

- A person is seized when, based on the totality of the circumstances, a reasonable person would not feel free to leave or terminate the encounter
 - Brief investigatory stops are allowed if supported by reasonable, articulable suspicion [*Terry* stop]
- Property is seized when there is some meaningful interference with an individual's possessory interests in the property



ICE

ICE Administrative Arrest Authority

- Title 8 interrogation and arrest authority *does not extend* to warrantless searches of dwellings. An administrative arrest warrant *does not convey* the authority to enter and search premises.
- A warrant of deportation/removal (Form I-205) is an administrative instrument, not a judicially approved search or arrest warrant.
- Fugitive Operations Teams may only enter a dwelling with a search warrant or with the **CONSENT** of the occupant(s), or **EXIGENCY**.



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INA Administrative Arrest Warrants

- When conducting targeted fugitive operations arrests, ERO officers must be in possession of *either* the I-205 (Warrant for Removal) or the I-200(Warrant of Arrest).
- However this administrative warrant does not authorize entry into a dwelling to execute it. It merely allows for the target's arrest.
- Even with an administrative warrant, DHS officers need CONSENT to enter an area that has a REP to make an arrest
 - Including a home, the curtilage of a home, or an individual's room in shared premises.



“Knock and Talk” Rules

- Hours of operation – daytime hours
- Daytime means (b)(7)(E)
- May operate outside daytime hours if
 - In writing
 - Prior approval
 - Must articulate why necessary
- If target leaves for work before (b)(7)(E) does not constitute “necessary”
- What is an example of “necessary”?
- Obtain consent to enter and consent to search residence from an adult with authority to consent
- Obtain consent to enter curtilage of dwelling



Curtilage

- Curtilage is “the area to which extends the intimate activity associated with the sanctity of a man’s home and the privacies of life.”
Curtilage generally includes a yard and outbuildings, actually enclosed or considered enclosed.
- Consent needed to enter curtilage.
- When determining curtilage, consider:
 - Proximity to home
 - Single enclosure with home
 - Area’s use
 - Steps taken to prevent observation by passersby, but no duty to “shield eyes” from activities observed from lawful vantage point
- Curtilage v. Open Fields



Exception to Curtilage

May walk across curtilage of the house to speak to occupants if general public could do so as well.



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Surveillance

What a person knowingly exposes to the public, even if in their own home or office, is not subject to Fourth Amendment protection.

- May peer into house from location where general public is allowed
- May talk to neighbors
- May talk to employer
- Abandoned property
 - ♦ Trash
 - ♦ Bags



Consent: Exception to P/C Warrant Requirement

No warrant needed if an individual consents to entry and/or search

- Must have authority
- Must be voluntary
- May be expressed or implied
- Must stay within the scope
- Any occupant with apparent authority can withdraw, limit, or vitiate consent



Consent: Authority

- **Actual Authority:** The person with the expectation of privacy in the thing/place to be searched has authority to consent
- **Apparent Authority:** As long as officers reasonably believe that the person who gives consent to search has the authority to do so, they may rely on that consent.
- **Common Authority:** Mutual use of property demonstrates joint access or control



Authority to Consent Examples

Do the following people have authority to give consent to search a home:

- Co-tenant?
 - ♦ Both present?
- Landlord?
- Employer in company housing?



Authority to Consent Answers to Examples

Do the following people have authority to give consent to search a home:

- Co-tenant?
 - ♦ Yes, those with joint possession may give consent to search common areas
 - ♦ BUT if both present...it depends
- Landlord?
 - ♦ If the landlord does not live there, the landlord may not give officers consent to enter
- Employer in company housing?
 - ♦ Employer may not consent to search of employee housing



Consent: Voluntary?

Consent must be voluntary and not the product of coercion. Government bears burden.

- Determined by a totality of the circumstances
- Factors:
 - ♦ Knowledge of right to refuse
 - ♦ Age, intelligence, education, language ability
 - ♦ Degree to which the individual cooperates
 - ♦ Person's attitude
 - ♦ Length of detention and questioning



Consent: Case law says consent to search may be express or implied

BEST PRACTICE

- Obtain express consent from the resident
- Document the “who, what, when and where” on the I-213
 - ♦ **Who** gave consent, and what authority did they have to give consent?
 - Tenant? Co-tenant?
 - ♦ **What** exactly did they say? Get clear statement of consent in I-213
 - ♦ **When** did they say it?
 - ♦ **Where** were they when they said it?



Implied Consent

NOT A BEST PRACTICE

Some examples where courts have varied in deciding whether or not consent was implied

- Silence
- Body language
- Person answering door steps away from open door
- Door opens after prolonged knocking



Best Practice Tips

- Get express consent
 - Document who gave consent and what s/he said
 - Document why you believe that individual had authority to consent (e.g. resident, co-tenant)
- Document, document, document!
- Be cautious!
- Review and follow Venturella Memo, *Documentation of Consent to Enter and Search*, Jan. 19, 2010
- When in doubt consult with your OPLA Office of Chief Counsel



Consent: Scope and Withdrawal

Scope: must not exceed the scope of the consent

- Withdrawal or narrowing of consent must be honored
 - Must be clearly expressed by actions or words
 - After evidence found?



Consent: Withdrawal

- ♦ Evidence is not tainted if withdrawal occurs after search
- ♦ Consent cannot be withdrawn after target and/or evidence is found



Ruses

- Use is permitted but must not be coercive
 - May not convince resident they have no choice but to let officer inside
 - Totality of circumstances determine if coercive
- Fourth Amendment prohibition against warrantless arrests in a home means that courts scrutinize ruses to gain access to home more closely than ruses to convince target to exit home, but both still may not be coercive
- If using a ruse to gain access to a home, recommend have probable cause to believe target is in the home (meaning have probable cause to support your arrest) so arrest will not be invalidated if consent to enter based on ruse is subsequently determined involuntary during motion to suppress



Ruses

- Allowed:
 - Van altered so not obviously Government transport van, i.e. equipped with ladders, tubing, etc.
 - Carrying box and clipboard
 - Fake business emblem and card
- Not allowed:
 - Must not represent self as employee of a real business, i.e. FedEx, UPS
 - Must not represent self as employee of Government agency such as OSHA, child welfare
 - Must not use license plates, Government identification that is not properly issued
 - Must not fabricate life threatening emergency, e.g. gas leak, fire



Other Exceptions to the Warrant Requirement

- Search incident to arrest
- Frisk
- Protective sweep
- Vehicle inventory
- Plain view
- Hot pursuit
- Emergency Aid



Search Incident to Arrest

- Purpose:
 - discover weapons;
 - prevent destruction or concealment of evidence; and/or,
 - discover any tools that may be used to later escape.
- There must be an arrest and search must be contemporaneous to arrest.
- Scope includes area within the persons “immediate control”.
 - Immediate control considerations: 1) distance; 2) restraints; 3) positioning of officers and suspect; 4) access; 5) number of officers versus number of suspects



Frisk

- Narrow in scope
- May be conducted upon reasonable, articulable belief that armed and dangerous
- May only be a patdown



Protective Sweep

- Not automatic simply because officers are in a house to arrest someone
- Only done in conjunction with an in-home arrest when officer possesses reasonable belief based on specific and articulable facts that the particular area to be swept harbors individual(s) posing a danger to officers on the scene
- Examples of specific and articulable facts warranting protective sweep
 - History of weapons use and/or possession
 - Violent criminal history
 - Gang involvement
 - Noise from supposedly unoccupied part of house
 - Information from surveillance



Vehicle Inventory

- After taking custody of a vehicle, police may conduct an inventory search provided the officer's custody was lawful and it is done according to policy
- A vehicle inventory search cannot be done without a written policy. ERO does not have such a policy and therefore cannot do a vehicle inventory



Plain View

- Officer must have plain view from lawful vantage point
- Must have lawful right of access
- Illegal/evidentiary nature must be immediately recognizable



Hot Pursuit

- Applies if:
 - Probable cause to arrest the suspect;
 - Crime involved is serious; and
 - In immediate or continuous pursuit of suspect.
- When can “hot pursuit” be justified?:
 - articulable belief that evidence will be removed and/or destroyed (likely rare for ERO); or
 - Immediate safety risks to officers or others (balancing officer safety in taking action)



Emergency Aid/Exigent Circumstances

- Exception permits law enforcement officers to enter a home without a warrant based on exigent circumstances such as the need to render emergency assistance to an injured occupant or to protect an occupant from imminent injury



Violations of the Fourth Amendment

- DHS is required to establish alienage to begin every case; usually alien's admission is in I-213.
- *Exclusionary rule* is applied if officer did not have a warrant and there was no applicable exception to the need for a warrant.
 - All evidence obtained in violation of the Fourth Amendment will be inadmissible at trial, including all derivative evidence in I-213.
 - Arrested individual may be released and case may be terminated.
 - Officer may be personally liable for his/her actions.
 - ♦ OPR investigation
 - ♦ *Bivens* action



Violations of the Fourth Amendment

- Exclusionary rule applies differently in different Circuit Courts of Appeal.
 - 1st, 2nd, 8th, and 9th Circuits lead the way in finding officers' conduct to be "egregious" warranting exclusion of evidence.
 - Still open question in 3rd, 4th, 6th, 10th, and 11th Circuits.
- Familiarize yourself with the parameters of what will be considered a Fourth Amendment violation in your Circuit by getting guidance from your local Office of Chief Counsel.



Violations of the Fourth Amendment

- Most likely setting for challenge to evidence is when officers enter a residence
- Attorneys in local Office of Chief Counsel will try to salvage cases where Immigration Judges exclude evidence based on Fourth Amendment violations
- But if the alien's admission in the I-213 is the only evidence of alienage, and the I-213 is excluded based on a Fourth Amendment violation, your case will be terminated and the alien will go free
- Termination will occur regardless of the alien's dangerousness, since DHS cannot prove case without evidence of alienage



Bivens Action:

- Is a lawsuit against an individual officer that alleges the individual officer knowingly violated the plaintiff's constitutional rights
- Is filed against the individual(s) only, for \$\$ damages
- Usually arises from an officer's personal involvement in a violation of a "clearly established" Federal constitutional right
- Requires that the violation result from knowing, deliberate indifference or plain incompetence
- Requires that DOJ representation be requested
- Is conducted as a trial by jury and punitive damages and attorneys fees may be awarded



Hypothetical #1

You and your team go to a house where you believe the target lives. Nobody answers the knock on the door and nobody appears to be home. A neighbor, Paul, is outside working on his car. You tell the neighbor why you are there; that you have an arrest warrant for the target; and you ask Paul to verify that the target lives next door. Paul, eager to help, offers to go into the house under the guise of borrowing tools, and while there, will look for documents in the house to verify the occupants identity. The idea was Paul's and none of the officers help him come up with the plan. Government action?



Hypothetical #1: Answer

Yes, Government action

Although officers did not direct Paul, once the officers know of his plan and his purpose for involvement the Fourth Amendment is applicable

Conversely, if Paul happens to be in his neighbor's house (the target) and finds information on the target that leads him to believe the person is unlawfully present, which leads him to call ICE, there is no Government action



Hypothetical #2

Officers approach a house where they believe the target lives. When they knock on the door, nobody answers the door, but the officers can hear a man yell to someone inside: "You called ICE on me? I'm going to kill you!" The officers can then hear what sounds like the man beating someone and a woman screaming: "Please don't, please don't." The officers break down the door, arrest the man and call an ambulance for the woman. Did the ERO officers act properly?



Hypothetical #2: Answer

Yes, the ERO officers acted properly

Officers do not need consent, positive identification, or a warrant when emergency assistance is needed.



Hypothetical #3

Lars, an adult fugitive alien, rents an apartment on the 1st floor of a ten unit complex. Many of his neighbors need to walk past his front door to reach their apartments. ICE officers go to Lars' apartment, knock on the door and request permission to enter. Lars says, "I don't have to let you in." One of the officers says: "That's correct, but all of your neighbors can see us standing here and wonder what you have done." Embarrassed that officers could be seen standing at this door, Lars lets the officers inside. Was Lars' consent voluntary?



Hypothetical #3: Answer

Yes, Lars' consent was voluntary

While consent may not be gained through coercion, embarrassment does not constitute coercion



Hypothetical #4

Officers go to the target alien's house. The target alien's wife answers the door. She is clearly intoxicated. An officer asks her if they may enter the house. She gives consent. Is consent valid?



Hypothetical #4: Answer

It depends

The mere fact that someone is intoxicated does not render consent involuntary. However, the person does need to be mentally aware that they are giving consent and appreciate the consequences of giving consent



Hypothetical #5

George is the target. Officers approach George's house and knock on the door. George answers the door and is standing within arm's reach of the officers. The officers, armed with an outstanding order of removal and an administrative arrest warrant, reach into the house, grab George and pull him out so that they can effectuate his arrest. Was this proper?



Hypothetical #5

No, the officers did not act properly

Even if the target is visible and within reach, officers should never reach into a house to pull a target outside and effectuate an arrest



ICE

QUESTIONS?



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Office of Investigations

Arrest Procedures Handbook

OI HB 07-02

October 4, 2007

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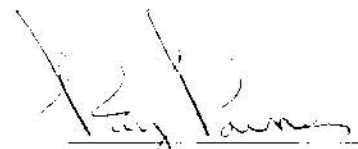
Foreword

The Arrest Procedures Handbook provides a single source of national policies, procedures, responsibilities, guidelines, and controls that should be followed by U.S. Immigration and Customs Enforcement (ICE) Office of Investigations (OI) Special Agents when exercising the authority to seize, detain, arrest, and transport individuals in custody in the course of conducting investigations and other enforcement-related activities within the scope of their authority. This Handbook contains instructions and guidance that will help ensure uniformity and operational consistency at all OI field offices. The Arrest Procedures Handbook is available in the Handbook section of the OI Proprietary Website.

Chapter 43 of the U.S. Customs Service (USCS) OI Special Agent Handbook, entitled "Detention, Arrest and Handling Prisoners," and Chapter 13 of the Immigration and Naturalization Service (INS) Special Agent Field Manual entitled "Arrest," and all other previous issuances on this subject by the former USCS or INS or by ICE OI are hereby superseded.

The Arrest Procedures Handbook is an internal policy of OI and is not intended to confer any right or benefit on any private person or party. If disclosure of this Handbook or any portion of it is demanded in any judicial or administrative proceeding, the OI Information Disclosure Unit, Mission Support Division (MSD), as well as the appropriate ICE Counsel and/or U.S. Attorney, should be consulted so that appropriate measures can be taken to invoke privileges against disclosure. This Handbook contains information which may be exempt from disclosure to the public. Any further request for disclosure of this Handbook or information contained herein should be referred to the OI Information Disclosure Unit.

The OI Policy Unit, MSD, is responsible for coordinating the development and issuance of OI policy. All suggested changes or updates to this Handbook should be submitted to the OI Policy Unit.



Marcy M. Forman
Director, Office of Investigations

10/4/21

Date

ARREST PROCEDURES HANDBOOK

Table of Contents

Chapter 1 GENERAL.....	1
• 1.1 Purpose	1
• 1.2 Background	1
Chapter 2 DEFINITIONS.....	1
• 2.1 Adult.....	1
• 2.2 Arrest.....	1
• 2.3 Deadly Force	2
• 2.4 Detention	2
• 2.5 Individual(s) in Custody	2
• 2.6 Interrogation	2
• 2.7 Juvenile.....	2
• 2.8 Medical Professional	2
• 2.9 Statement of Rights (also known as Miranda Warning)	2
• 2.10 Stop and Frisk (also referred to as a Terry Stop)	3
• 2.11 Weapon.....	3
Chapter 3 RESPONSIBILITIES.....	3
• 3.1 Director, Office of Investigations.....	3
• 3.2 Special Agents in Charge	3
• 3.3 Special Agents	3
Chapter 4 AUTHORITIES	3
• 4.1 OI Special Agents' Authority.....	3
• 4.2 State Peace Officer Authority.....	3
• 4.3 Citizen's Arrest Authority	4
• 4.4 Liabilities.....	4
Chapter 5 DETENTION AND ARREST OF INDIVIDUALS	5
• 5.1 Customs Border Detention	5
• 5.2 Detention During Execution of Search Warrant	5
• 5.3 Stops	5
• 5.4 Diplomats	5
• 5.5 Use of Force	6
• 5.6 Limited Search for Officer Safety Concerns.....	6

• 5.7	Time of Detention and Release	6
• 5.8	Need for Special Equipment.....	6
• 5.9	Access to Food, Water, and Rest Rooms	6
• 5.10	Access to Prescription Drugs and Medical Assistance	6
• 5.11	Identification	6
• 5.12	Detained for Another Agency	7

Chapter 6 ARREST PROCEDURES.....7

• 6.1	Arrest Defined	7
• 6.1.1	Criminal Arrest.....	8
• 6.1.2	Administrative Arrest	8
• 6.2	Number of Officers Making an Arrest	8
• 6.3	Foot Pursuits.....	8
• 6.4	Use of Restraints	8
• 6.4.1	Length of Time Restraints Are Used.....	9
• 6.4.2	Method of Restraint.....	9
• 6.4.3	Individuals to Be Restrained	10
• 6.4.4	Aggressive Individuals	10
• 6.4.5	Transportation of Individuals Using Restraints.....	10
• 6.5	Searches.....	10
• 6.5.1	Initial Weapons Search.....	10
• 6.5.2	Complete Search.....	11
• 6.6	Smoking.....	11
• 6.7	Threat from Third Parties	11
• 6.8	Hostile Environments	12
• 6.9	Safety for Individuals in Custody.....	12
• 6.10	Immunity from Arrest	12
• 6.11	Arrest of Foreign Nationals.....	12
• 6.11.1	Right to Communicate with Consular Official.....	12
• 6.12	Use of Force	13
• 6.13	Statement of Rights (also known as Miranda Warnings).....	13
• 6.13.1	Miranda Warning Following a Criminal Arrest	13
• 6.13.2	Notice of Rights Warning Following an Administrative Arrest	14
• 6.14	Juveniles	14
• 6.14.1	Criminal Arrest of Juveniles.....	14
• 6.14.2	Administrative Detention of Juveniles	14

Chapter 7 TRANSPORTATION OF INDIVIDUALS.....15

• 7.1	General Guidelines	15
• 7.2	Number of Officers Transporting an Individual in Custody	16
• 7.3	Securing Weapons.....	16
• 7.4	Handcuffing Prior to, During, and After Transport.....	16

• 7.5	Vehicle Search and Child Safety Locks	16
• 7.6	Seating of Individuals in Custody	16
• 7.7	Transporting Juveniles	17
• 7.8	Use of Rest Rooms During Transportation	17
• 7.9	Medical Considerations	17
• 7.10	High-Risk Individuals	18
• 7.11	Required Communications	18
• 7.12	Outside Enforcement Activities	18

APPENDIX	Acronyms	A-i
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ARREST PROCEDURES HANDBOOK

Chapter 1. GENERAL

1.1 Purpose

The Arrest Procedures Handbook establishes policy and procedures for U.S. Immigration and Customs Enforcement (ICE) Office of Investigations (OI) Special Agents (SAs) when they exercise the authority to seize, detain, arrest, and transport individuals in custody.

1.2 Background

The scope of OI SAs' authority is established by statute, and SAs must know the basis of their authority as well as the limits of such authority. SAs may take an individual into custody only when acting within the scope of their legal authority.

The arrest, detention, and transportation of individuals are among the most dangerous duties performed by OI SAs. Experience has shown that many SA casualties occur in the course of performing such duties. The procedures and standards set forth in this Handbook can help to minimize such casualties. They can also preclude costly and time-consuming lawsuits or trial tactics that might divert the attention of courts and juries from the substantive facts of a case to the nature of ICE OI's treatment of a defendant or respondent.

Compliance with the procedures and standards set forth in this Handbook, along with SAs' training, will help to ensure officer safety, safeguard the rights of those individuals in the custody of SAs, and maximize the admissibility of evidence obtained by SAs.

Chapter 2. DEFINITIONS.

The following definitions are provided for the purposes of this Handbook:

2.1 Adult

Any person who is or is believed to be 18 years of age or older.

2.2 Arrest

An actual or constructive restraint or detention of an individual, performed with the intention of taking the individual into custody. (See "Individual in custody.")

2.3 Deadly Force

Deadly force is the use of any force that is likely to cause death or serious physical injury. Deadly force does not include force that is not likely to cause death or serious physical injury but unexpectedly results in such death or injury. Deadly force may be employed only when an SA has probable cause to believe that there is an imminent threat of death or serious physical injury to the SA or others. Deadly force, as defined in the Interim ICE Use of Force Policy, dated July 7, 2004, or as updated, may be used to prevent the escape of a fleeing subject if there is probable cause to believe that escape of the subject would pose an imminent danger of death or serious physical injury to the SA or to another person.

2.4 Detention

Restraining a person for some official purpose by establishing control over the person. (See “Individual in custody.”)

2.5 Individual(s) in Custody

This term is used throughout this Handbook to refer to persons or groups of people who have been detained, arrested, or seized and/or transported as a result of such action by SAs in the performance of their official duties. It should be noted that the term “custody” could have legal ramifications for triggering the rights established in Miranda v. Arizona. For the purposes of this Handbook, an “individual in custody” may not necessarily be “in custody” for Miranda purposes.

2.6 Interrogation

Words or actions that the SA should know is reasonably likely to elicit a response from the suspect.

2.7 Juvenile

Any person known or reasonably believed not to have reached his or her 18th birthday.

2.8 Medical Professional

A licensed doctor, nurse practitioner, technician, or aide trained to treat, provide care, or administer medication or services specific to the medical needs of the individual being transported.

2.9 Statement of Rights (also known as Miranda Warning)

The requirement that persons receive certain warnings relating to their privilege against self-incrimination (right to remain silent) and their right to the presence and advice of an attorney before any custodial interrogation by law enforcement authorities takes place following an arrest for criminal charges.

2.10 Stop and Frisk (also referred to as a Terry Stop)

Under the Fourth Amendment as judicially construed, police officers may frisk a person, after effecting a brief legal investigative stop, only if they have reason to believe that that person is an armed and dangerous individual or has reasonable fear for their safety. If so, they may make a reasonable search for weapons for their own protection regardless of whether they have probable cause to arrest the individual. The standard for judging if a “stop and frisk” was proper is based on whether a reasonably prudent person in the circumstances would be warranted in the belief that his or her safety or that of others was in danger, but due weight is also given to the reasonable inferences that a police officer is entitled to draw from the facts in light of his or her professional experience.

2.11 Weapon

Any object, item, or device that may be used to cause physical injury, incapacitate, or diminish capability, temporarily or permanently.

Chapter 3. RESPONSIBILITIES.

3.1 Director, Office of Investigations

The Director of OI has the overall responsibility for the management and implementation of the policies and procedures set forth in this Handbook.

3.2 Special Agents in Charge

The Special Agents in Charge (SACs) are responsible for implementing the policies and procedures set forth in this Handbook within their areas of responsibility. SACs are also responsible for providing the appropriate restraining devices to all SAs.

3.3 Special Agents

SAs are responsible for complying with the provisions of this Handbook.

Chapter 4. AUTHORITIES.

4.1 OI Special Agents' Authority

OI SAs' authority to arrest a person is based on various sections of law, including, but not limited to, the authority provided in Titles 19 United States Code (U.S.C.) § 1589a and 8 U.S.C. § 1357.

4.2 State Peace Officer Authority

In addition to federal arrest authority, SAs may, in certain circumstances, exercise arrest authority as designated state peace officers or in their capacity as private citizens who witness a crime. As

separate sovereigns, each state may determine who is authorized to enforce its laws. Usually, this means that arrest power is granted to state police, sheriffs, and various municipal police departments. Some states have enacted legislation designating federal law enforcement officers as state peace officers with the power to enforce state law. (See OI Directive 07-001, entitled “Office of Investigations Special Agents Responding to State Crimes,” dated March 13, 2007.)

In addition to statutory authorization for SAs to serve as state peace officers, it may be possible to obtain state peace officer status by being “deputized” by a local sheriff or other state law enforcement official. SAs so deputized should confirm that the deputization is not merely honorary and actually carries with it the power of arrest.

Further, it is important for SAs to bear in mind that any state law enforcement authority they possess or receive should be used to further federal law enforcement priorities.

4.3 Citizen’s Arrest Authority

In addition to federal and state arrest authority, OI SAs have the power to arrest, search, or seize persons or things just as any private citizen would, and local law governs in those instances. SAs must therefore act in accordance with local law in any situation where they make an arrest for an offense that is not within the jurisdiction of ICE. Generally, a private person may make an arrest when a crime (felony or misdemeanor) is committed or is attempted in his or her presence, or when the person arrested has committed a felony, even though not in the presence of the private person. However, SAs should check local law to see under what circumstances they may make arrests as a private person or as an OI SA.

For more information regarding citizen arrest authority and liabilities, refer to OI Directive 07-001, entitled “Office of Investigations Special Agents Responding to State Crimes,” dated March 13, 2007.

4.4 Liabilities

When seizing or arresting an individual, SAs are assuming responsibility for the well-being of the individual in custody, as well as the well-being of fellow officers and other people who may come in contact with the individual in custody. SAs may subject themselves, their supervisors, and the federal government to tort claims should SAs be negligent in their official duties.

Likewise, SAs are subject to civil rights lawsuits under 42 U.S.C. § 1983 if, while enforcing federal, state, or local law, they deprive an individual of any of the rights, privileges, or immunities secured by the Constitution and laws of the United States.

Chapter 5. DETENTION AND ARREST OF INDIVIDUALS

5.1 Customs Border Detention

19 U.S.C. §§ 482 and 1582 authorize SAs to detain persons at the border, functional equivalent of the border, or extended border. This detention is for determining whether or not the person has merchandise entered contrary to law or without payment of duty. In such a detention of persons, searches beyond a pat-down of outer clothing requires additional reasonable suspicion based on objective and articulable facts.

5.2 Detention During Execution of Search Warrant

An SA executing a criminal search warrant has the authority to briefly detain any individuals present at the location of the enforcement site. Included within this authority are individuals attempting to leave the enforcement site in the presence of SAs arriving and individuals who arrive or attempt to obtain access to the enforcement site. An individual may be detained at the enforcement site for as long as deemed necessary by the SAs during the execution of the criminal search warrant. The principles applicable to a stop and frisk (see Section 2.10) are fully applicable to those present during the execution of a search warrant.

5.3 Stops

A stop is a limited detention under any circumstances. A stop is justified if the officer has reasonable suspicion that a crime has been, is being, or is about to be committed. Any detention that is more intrusive than a stop is an arrest.

5.4 Diplomats

Diplomats may be detained only long enough to determine their identity and status. If, after reviewing a diplomat's Diplomatic or Consular Identification Card, OI SAs determine that the diplomat is accredited and not subject to any form of detention or arrest, the OI SAs must release him or her immediately. The SAs should treat the diplomat with due respect and shall take all appropriate steps to prevent any attack on his or her person, freedom, or dignity. The diplomat's local consulate or embassy may assist in the verification of identity and status. Also, the U.S. Department of State's "Diplomatic List," which may change on a daily basis, covers foreign missions (embassies, interest sections) in the United States. The list contains the names of the staff of the foreign mission having diplomatic rank. These individuals enjoy full immunity under the provisions of the Vienna Convention on Diplomatic Relations except for U.S. nationals. The immunity status of the individual encountered during an enforcement action or investigation should be verified with the U.S. Department of State, Office of Protocol. Assistance is available through the Protocol Duty Officer on duty for the Office of Protocol at (b)(7)(E) the Diplomatic Security Agent on duty at (b)(7)(E) who will forward your request to the Office of Protocol, or the Diplomatic Security Command Center at (b)(7)(E) (open 24 hours a day). More information regarding this subject can be found at the following Department of State link: <http://www.state.gov/s/cpr/rls/dpl/>. Valid Non-Immigrant Visas A-1, A-2, G-1, G-3, or C-3 indicate possible status of immunity from criminal arrest or prosecution.

5.5 Use of Force

Any force used by SAs to seize, detain, transport, and arrest individuals must be used in accordance with the Interim ICE Use of Force Policy, issued July 7, 2004, or as updated.

5.6 Limited Search for Officer Safety Concerns

Whenever there is reasonable suspicion that an individual is armed, SAs are justified, for officer safety concerns, in conducting a frisk for weapons during a detention. This limited search is performed pursuant to a Terry frisk (see Section 2.10).

5.7 Time of Detention and Release

The amount of time that an individual may be detained must be determined by the totality of the circumstances involving the detention.

Detained persons should be released as soon as possible, unless probable cause is developed and they are to be placed under arrest.

5.8 Need for Special Equipment or Personnel

If the need arises for special equipment or personnel in order to complete an investigative or enforcement action, for example canine (K-9) assistance, an interpreter, or contraband detection equipment, SAs must document the facts supporting the continued detention. Failure to do so may result in a court later ruling that any evidence found was the result of an unlawful arrest.

5.9 Access to Food, Water, and Rest Rooms

Individuals in custody more than 6 hours must be given access to food at the expense of the arresting SAC Office. Water and rest room facilities should be made available to persons in custody on an as-needed basis as reasonably possible. Rest room facilities may be restricted if the detention results from a suspicion that the persons in custody are concealing merchandise or contraband in their body.

5.10 Access to Prescription Drugs and Medical Assistance

SAs shall ensure that detained individuals have access to their own legally prescribed medication or medical assistance during the time that they are in custody. In the event of a medical emergency, the SAs should contact emergency services immediately.

5.11 Identification

All individuals detained by OI SAs must be identified and the identities must subsequently be appropriately documented. Every effort should be taken to identify the detained individuals through the Integrated Automated Fingerprint Identification System, if feasible.

5.12 Detained for Another Agency

If an individual has been detained for another agency, the SA must document the legal basis for the detention, the time the requesting agency made contact or was contacted, the time of arrival, and the identity of the officer to whom the person was released. In addition, it is important to note the physical and mental condition of the individual in custody at the time of the initial detention and at the time of the subsequent release.

Chapter 6. ARREST PROCEDURES

6.1 Arrest Defined (See Section 2.2.)

An arrest is an actual or constructive restraint or detention of an individual, performed with the intention of taking the individual into custody. A detention may also be deemed an arrest if, based on the totality of the circumstances, a reasonable individual would believe himself or herself to be in custody. An arrest does not depend solely on whether the SA announces that the suspect has been placed under arrest. If an SA's conduct is more intrusive than an investigative stop, an arrest may take place. In determining whether an SA's conduct is tantamount to an arrest, consideration must be given to the relevant facts and circumstances, including but not limited to:

- A. when and where the encounter occurred;
- B. the duration of the encounter;
- C. the number of SAs and other officers present;
- D. what the SA and suspect said and did;
- E. the use of weapons, handcuffs, a guard blocking the door, verbal commands, or other physical restraints;
- F. the nature of the questioning;
- G. whether SAs escorted the suspect to another location for questioning;
- H. whether the SA retained custody of important travel or identification documents during the encounter; and
- I. whether the suspect was permitted to leave following the encounter.

OI SAs are authorized to make arrests with or without an arrest warrant for criminal and administrative violations.

6.1.1 Criminal Arrest

A criminal arrest must be supported by at least probable cause to believe that the individual arrested has committed a criminal offense. Probable cause is articulable facts and circumstances that would lead a reasonably prudent person to believe that a criminal offense has been committed or is being committed by the individual to be arrested. Probable cause is more than mere suspicion, but less than absolute certainty of guilt.

In determining whether probable cause was present at the time of an arrest, courts consider the totality of the circumstances as viewed by a reasonably prudent SA coupled with the SA's training and experience.

Pertinent factors include personal knowledge or observation by the SA; information contained in official communication to the SA; information from reliable informants, victims, or witnesses; actions and appearance of the suspect(s); criminal reputation of the suspects; inconsistent and unpersuasive answers to routine questions; and possession, disposal, or concealment of evidence.

Under certain circumstances where a suspect forcibly resists a detention, the person could be arrested for a violation of 18 U.S.C. § 111 (Assaulting, resisting, or impeding certain officers) or 18 U.S.C. § 2231 (Interfering with an officer authorized to make a search).

6.1.2 Administrative Arrest

An SA has the authority to arrest an individual if the SA has probable cause to believe that the individual is in violation of the Immigration and Nationality Act. An administrative arrest is initiated when the disposition of the case will be sought in civil proceedings rather than in a criminal court proceeding. This is most often associated with "Voluntary Returns," or formal deportation proceedings of undocumented aliens to their country of citizenship.

6.2 Number of Officers Making an Arrest

Criminal and administrative arrests must be conducted (b)(7)(E) in order to ensure officer safety, except in unforeseeable, exigent circumstances. Scheduling a back-up for a duty agent when an arrest may be effected is considered foreseeable and should not be used as an exception to this requirement.

6.3 Foot Pursuits

SAs are authorized to engage in foot pursuits taking into consideration officer safety concerns, good judgment, and common sense. In addition, SAs should use the amount of force that is necessary and reasonable when stopping and apprehending an individual fleeing on foot.

6.4 Use of Restraints

The use of restraints on individuals in OI custody must be conducted in a manner that is safe, secure, humane, and professional. Only the amount of restraint necessary and reasonable to ensure the

safety of the SAs, the individual(s) in custody, the public, and/or to prevent escape shall be employed. Restraints shall not be used to inflict punishment or to restrict blood circulation or breathing. SAs shall avoid causing unnecessary discomfort in applying restraints. (SAs should consult the National Firearms and Tactical Training Unit for questions regarding authorized restraining devices.)

6.4.1 Length of Time Restraints Are Used

All restraints are only temporary devices and should be removed when the individual in custody is placed in a secure holding facility and they are no longer required or the individual in custody is cooperating during an enforcement operation or investigation.

6.4.2 Method of Restraint

(b)(7)(E)

(b)(7)(E)

(b)(6),(b)(7)(C)

Flexicuffs or other specifically designed flexible police restraints may be used if necessary.

Individuals in custody shall not be handcuffed to an SA, officer, person, or any object that may potentially cause an injury.

(b)(7)(E)

(b)(7)(E)

Enhanced diligence is required during these times to ensure security and the safety of all.

6.4.3 Individuals to Be Restrained

Age, size, or gender are not valid reasons for failing to handcuff an individual. Juveniles may be handcuffed for officer safety.

Females shall be subject to the same handcuffing and restraint procedures used for males. (Also see Section 6.4.2 A.)

6.4.4 Aggressive Individuals

Combative individuals in custody may require the use of leg irons or other flexible restraints applied to prevent kicking by the individual.

Additional approved restraint devices may be used to secure an individual who violently resists arrest, poses a threat to officer safety, or who manifests mental disorders such that he or she presents a threat to himself or herself or to the public.

6.4.5 Transportation of Individuals Using Restraints

Along with other considerations contained in Chapter 5 of this Handbook, SAs should remember that, when using restraints, individuals in custody shall not be handcuffed to any moving vehicle or other conveyance. Furthermore, SAs should not transport individuals in custody who are restrained in a prone position. Individuals in custody should never be left unsupervised in a vehicle or locked within a vehicle without supervision and appropriate ventilation. During transport, individuals in custody are to remain restrained as described in section 6.4.2.

6.5 Searches Incident to Arrest

There are two types of searches that must be conducted following each arrest:

6.5.1 Initial Weapons Search

A search for weapons should immediately follow handcuffing of any individual who may or may not be a suspect or prisoner.

Whenever possible, an SA or other officer of the same gender should conduct an initial weapons search of the individual being handcuffed and/or taken into custody. However, a frisk for weapons immediately following an arrest will not be delayed if an officer of the same sex is not available.

The discovery of a weapon or potential weapon during the search must be immediately communicated to the other officers at the scene of the encounter and/or to the members of the arrest team. (b)(7)(E)

(b)(7)(E)

6.5.2 Complete Search

As soon as practical, a thorough search for evidence shall be conducted on the individual in custody. This search will not be limited as a result of an individual's objections, embarrassment, etc. A law enforcement officer of the same gender as the individual in custody should conduct this search if available; however, the search should not be unreasonably delayed due to the unavailability of a same-gender officer.

All property of the prisoner will be removed from him or her and secured in a plastic bag or other container. Special care should be given to document items of value. Currency should be counted in the presence of the individual in custody and another member of a law enforcement agency. (b)(7)(E)

(b)(7)(E)

The prisoner will be afforded the opportunity to relinquish all personal property to a third party, either in person or by mail. This transaction will be recorded on a Customs and Border Protection (CBP) Form 6051. If this cannot be accomplished, the prisoner will be afforded the opportunity to abandon his or her property. Prisoners must be informed and understand that if they abandon the property, they will have 30 days in which to recover their property, after which the property may be destroyed. This transaction will be recorded on CBP Form 4607, "Notice of Abandonment and Assent to Forfeiture of Prohibited or Seized Merchandise and Certificate of Destruction."

Items of clothing or other things that can present a hazard to the officers or the individual in custody should be removed during the complete search. This would include but not be limited to: shoelaces, belts, jewelry, pens, combs, hairpins, shoes that may contain hidden weapons, etc.

The searching officer and others present must take precautions to prevent the spread of infectious diseases from the prisoner(s). Protective gloves to prevent contact with bodily fluids are strongly recommended.

6.6 Smoking

Individuals in custody will not be allowed to smoke due to the potential use of a lit cigarette as a weapon or an excuse to be handcuffed in the front. At the discretion of the arresting SAs and once the individuals in custody are in a secure location that allows smoking, SAs may choose to allow them to smoke (b)(7)(E) Individuals in a detention cell will not be allowed access to smoking materials.

6.7 Threat from Third Parties

SAs and other officers should take into consideration the potential threat from third parties that could cause harm to the SAs, officers, and/or the individual(s) in custody. SAs or other officers must be assigned to concentrate on the individual(s) in custody while others remain alert for third party threats.

6.8 Hostile Environments

In hostile environments, any and all individuals in custody must be removed as quickly as possible to a safe place. Individuals in custody should not be used as shields by SAs or other officers present during the completion of the law enforcement operation. Individuals in custody shall not be subject to any avoidable hazard.

6.9 Safety for Individuals in Custody

SAs should not engage in any enforcement activities while they have an individual(s) in custody unless failure to act at the immediate moment would risk death or serious bodily injury to oneself or another. In non-life threatening yet serious situations, SAs should call for back-up assistance and may remain on hand until such assistance has arrived.

6.10 Immunity from Arrest

Individuals who have immunity from arrest are:

A.

B.

C.

D.

(b)(7)(E)

6.11 Arrest of Foreign Nationals

The arrest of foreign nationals requires certain actions depending on their nationality, legal status in the United States, and where the arrest took place. If the individuals are aliens, they have the right to speak to their consular officer. (See ICE Directive 73001.1, entitled "Consular Notification of Detained or Arrested Foreign Nationals," dated February 13, 2006.)

6.11.1 Right to Communicate with Consular Official

An alien who is being detained must be notified that he or she may communicate with a consular official in accordance with 8 CFR § 236.1(e). If an alien is a national of one of the countries listed

in 8 CFR § 236.1(e), a consular official of that country must be notified, even if the alien specifically requests that no notification be made. (b)(7)(E)

(b)(7)(E)

6.12 Use of Force

The use of force exercised by OI SAs must be in accordance with the policies, standards, and procedures in the Interim ICE Use of Force Policy, issued July 7, 2004, or as updated.

6.13 Statement of Rights (also known as Miranda Warnings)

6.13.1 Miranda Warning Following a Criminal Arrest

Following a criminal arrest and prior to questioning beyond what is needed for identification or processing purposes, individuals in custody must be informed that anything they say may be used against them and that they have the right to remain silent, to consult with a lawyer, to have a lawyer present during questioning, and, if indigent, to have counsel appointed. The purpose of these warnings, commonly termed Miranda warnings, is to protect the Fifth Amendment right against compulsory self-incrimination. Absent exigent circumstances, Miranda warnings should be conducted in writing using the Statement of Rights used for criminal cases.

Miranda warnings are required only prior to a custodial interrogation. Whether an individual is in custody for Miranda purposes depends on whether there is a formal arrest and/or reasonable persons would consider themselves in custody, e.g., if a restraint has been placed on their freedom of movement.

Whenever Miranda warnings are given, they should be read verbatim from the Statement of Rights for criminal cases that is provided to each SA. This allows the SA to testify in court to the exact language used at the time the Miranda warnings were given. It is also permissible to have the suspect read the Miranda warnings. It is the duty of the SA to ensure that the individual in custody understands the Miranda warnings. In cases where the individual in custody does not understand English, the warnings must be given in a language understood by the individual. If SAs are not able to do this orally, the assistance of a qualified interpreter may be necessary. If the individual in custody is allowed to read the Miranda warnings, whether in English or another language that he or she understands, SAs must be sure that the individual has the ability to read the text of the Miranda warnings.

Once an individual has requested an attorney, the interrogation must cease immediately and the individual may not be interrogated about the case until after conferring with counsel or if the individual in custody otherwise initiates further conversation. In contrast, if the individual merely invokes his or her right to remain silent and does not request an attorney, the admissibility of statements obtained thereafter depends on whether the individual's right to cut off questioning was scrupulously honored.

6.13.2 Notice of Rights Warning Following an Administrative Arrest

Every apprehended individual charged with a violation of the Immigration and Nationality Act must be given an administrative notice of rights, including the right to communicate with the alien's respective consular official as stated in Section 6.11.1. ICE uses multiple forms for this purpose as a result of decisions in certain court cases. Salvadorans are given a Notice of Rights to Salvadorans (Form I-848), juveniles are given the Notice of Rights and Request for Disposition (Form I-770), which is a simplified version, and all others are given Form I-826, which bears the same title as Form I-770. As part of the processing procedure of an apprehended alien, SAs must provide a copy of the appropriate form and make sure that the alien understands these rights.

Each of the rights forms contains a section for recording a decision by the apprehended alien to accept voluntary departure and immediate return, under appropriate safeguards, in lieu of formal removal proceedings.

6.14 Juveniles

6.14.1 Criminal Arrest of Juveniles

Juveniles are defined as persons known or reasonably believed not to have reached their 18th birthday. They require special handling as established in 18 U.S.C. § 5031 *et seq.* SAs must immediately notify the U.S. Attorney of the criminal arrest. If prosecution is authorized, the following steps must be taken:

- A. SAs must advise juveniles of their Miranda rights using language the juveniles can understand.
- B. The parents or guardian of the juvenile must immediately be notified of the nature of the charges and of the juvenile's rights.
- C. Juveniles must immediately be brought before an appropriate legal authority, e.g., a magistrate, a judge, etc., for their initial appearance.
- D. SAs must not release the name of the juveniles, fingerprints, photographs, or any reports of information about the juveniles to anyone other than as authorized by 18 U.S.C. § 5031 *et seq.* or by order of the court.
- E. Juveniles (b)(7)(E) old and older should be fingerprinted and photographed. Those under (b)(7)(C) should not.

6.14.2 Administrative Detention of Juveniles

Aliens who are defined as minors should be treated in accordance with the *Flores v. Reno* Settlement Agreement. The terms of that agreement have been incorporated in 8 C.F.R. § 236.3. At the earliest opportunity, coordination and notification should be made with the appropriate local ICE Office of Detention and Removal Operations for the disposition of the juvenile(s).

The appropriate foreign consulate must be notified in the event that a minor is taken into custody by ICE OI who is not accompanied by a parent, family member, or legal guardian.

Chapter 7. TRANSPORTATION OF INDIVIDUALS

7.1 General Guidelines

Transporting an individual can be one of the most dangerous undertakings that SAs will encounter. The hazards and problems that one may encounter are countless. When considering the transport of one or more restrained individuals, SAs must take into account:

- A. (b)(7)(E)
- B.
- C.
- D.
- E.
- F.
- G.
- H.

SAs should determine if the need to transport the individual(s) immediately outweighs the danger if the SA were to wait and call for a different vehicle or a back-up unit. Individuals in custody shall be transported in a government vehicle.

(b)(7)(E)

(b)(7)(E)

SAs present will greatly influence the SA's decision to use different types of restraining devices and techniques during the transport. All prisoners should be secured in the vehicle by the proper use of a seat belt.

Whenever possible, at least one of the SAs shall be of the same gender as the individual(s) in custody. (b)(7)(E)

If possible, juveniles should be transported within the same vehicle as their parent or guardian if the parent or guardian is also in custody.

7.2 Number of Officers Transporting an Individual in Custody

In order to ensure officer safety, (b)(7)(E) law enforcement officers must transport an individual in custody, except in unforeseeable, exigent circumstances. This requirement applies regardless of whether it is for criminal or administrative offenses. This should be accomplished by having (b)(7)(E) in the same vehicle. Utilizing two vehicles to transport one individual in custody should not be employed without first obtaining supervisory approval unless exigent circumstances clearly prevent this approval from being obtained.

When utilizing a prisoner transport van to transport more than one individual in custody, a minimum (b)(7)(E) must be involved in the transport. Supervisors have the discretion to assign additional vehicles to follow or tail the transport van for officer safety concerns.

7.3 Securing Weapons

SAs shall take measures to secure their weapons in a National Firearms Tactical and Training Unit defined and approved holster or an approved retention device for long guns. This will ensure that individuals in custody cannot gain access to the SAs' weapons during transportation.

7.4 Handcuffing Prior to, During, and After Transport

The use of restraints will be in accordance with the provisions of Section 6.4 of this Handbook.

7.5 Vehicle Search and Child Safety Locks

All vehicles to be used in the transportation of individuals in custody should be searched for weapons, evidence, or any item that can inflict injury or be used by the individual(s) to aid an escape. This search should be done before an individual(s) is/are placed in the vehicle and again immediately after the individual(s) is/are removed from the vehicle. When transporting individuals in custody, SAs or officers (b)(7)(E) if the vehicle is so equipped.

7.6 Seating of Individuals in Custody

Individuals should be transported in a manner that allows for constant visual observation. The seating of SAs, officers, and individuals in custody should be as follows:

- A.
- B.
- C.

(b)(7)(E)

(b)(7)(E)

D.

7.7 Transporting Juveniles

Juveniles should not be transported in the same area of a vehicle with adult individuals, unless the juveniles are being transported along with their parent(s) or guardian(s).

7.8 Use of Rest Rooms During Transportation

Individuals in custody must be afforded the opportunity to utilize the rest room facilities while being transported only:

- A. if the time in transit to reach the final destination is substantial; **and**
- B. the use of the rest room can be accomplished in a safe and secure manner.

7.9 Medical Considerations

The physical well-being of individuals in custody should be monitored during transit. Particular attention should be directed to individuals reported or suspected of being under the influence of drugs and/or alcohol or who have a history of, or propensity for, violence.

Individuals in custody who report/display symptoms of serious illness during transit should immediately receive medical attention by a medical professional. Escorting SAs or other officers should remain with the individual(s) in custody at all times unless relieved by other authorized personnel. (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

Any deviation during the transit of the individual(s) in custody should be reported to management immediately. (See Section 7.11 for instructions on required communications during the transportation of individuals in custody.)

Symptoms or reports of physical or mental illness (such as threats of suicide or psychotic behavior) should be reported to all SAs or other officers involved in the processing of the individual(s) in custody.

7.10 High-Risk Individuals

Special precautions should be employed when transporting high-risk individuals.

- A.

(b)(7)(E)
- B.

7.11 Required Communications

(b)(7)(E)

7.12 Outside Enforcement Activities

SAs should not engage in enforcement activities while transporting individuals in custody unless failure to act would risk death or serious bodily injury to another. In non-life threatening yet serious situations, SAs should call for back-up assistance and may remain on hand until such assistance has arrived.

ACRONYMS

A-B

C

CFR Code of Federal Regulations

D-H

I

ICE U.S. Immigration and Customs Enforcement
INA Immigration and Nationality Act
INS Immigration and Naturalization Service

J-L

M

MSD Mission Support Division

N

O

OI Office of Investigations

P-R

S

SA Special Agent
SAC Special Agent in Charge

T

U

USC United States Code

V-Z



Homeland Security Investigations

Search and Seizure Handbook

HSI HB 12-04 / September 14, 2012



U.S. Immigration
and Customs
Enforcement

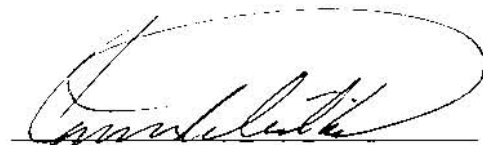
Foreword

The Search and Seizure Handbook provides a single source of national policies, procedures, responsibilities, guidelines, and controls to be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents (SAs) when conducting search and seizure activities within the scope of their authority. This Handbook contains instructions and guidance to help ensure uniformity and operational consistency among all HSI field offices. (Note: On June 9, 2010, the ICE Offices of Investigations (OI), International Affairs, and Intelligence were realigned under HSI. Throughout this Handbook, documents issued prior to the June 9, 2010 realignment are referred to by their original titles, e.g., the OI (instead of "HSI") Case Management Handbook.)

This 2012 edition amends Section 5.8 of HSI HB 10-05, Search and Seizure Handbook, issued August 18, 2010. HSI HB 10-05 is hereby superseded. It also supersedes U.S. Customs Service OI Internal Operating Procedures Notification 01-21 entitled, "Crime Gun Tracing Identification," dated August 24, 2001.

The Search and Seizure Handbook is an internal policy of HSI and is not intended to confer any right or benefit on any private person or party. If disclosure of this Handbook or any portion of it is demanded in any judicial or administrative proceeding, the HSI Information Disclosure Unit, as well as the appropriate ICE Counsel and/or U.S. Attorney, should be consulted so that appropriate measures can be taken to invoke privileges against disclosure. This Handbook contains information which may be exempt from disclosure to the public under the Freedom of Information Act, Title 5, United States Code, Section 552(b), and protected from disclosure in civil discovery pursuant to the law enforcement privilege. Any further request for disclosure of this Handbook or information contained herein should be referred to the HSI Information Disclosure Unit.

The HSI Policy Unit is responsible for coordinating the development and issuance of HSI policy. All recommended revisions to this Handbook should be submitted to the HSI Policy Unit.



James A. Dinkins
Executive Associate Director
Homeland Security Investigations

9/14/2012
Date

SEARCH AND SEIZURE HANDBOOK

Table of Contents

Chapter 1. PURPOSE AND SCOPE.....	1
Chapter 2. INTRODUCTION	1
Chapter 3. DEFINITIONS.....	1
• 3.1 Actual Border	1
• 3.2 Admissibility	2
• 3.3 Affidavit	2
• 3.4 Anticipatory Search Warrant.....	2
• 3.5 Articulable Facts	2
• 3.6 Border Nexus.....	2
• 3.7 Border Search.....	2
• 3.8 Consensual Encounter	2
• 3.9 Contraband	2
• 3.10 Curtilage	2
• 3.11 Customs Waters.....	3
• 3.12 Diplomat.....	3
• 3.13 Documents.....	3
• 3.14 Electronic Device	3
• 3.15 Exclusionary Rule	3
• 3.16 Extended Border Search.....	4
• 3.17 Facilitating Property.....	4
• 3.18 Forfeitable Evidence	4
• 3.19 Forfeitable Seized Property.....	4
• 3.20 Frisk.....	4
• 3.21 Fruit of the Poisonous Tree	4
• 3.22 Functional Equivalent of the Border	4
• 3.23 Government.....	5
• 3.24 High Seas.....	5
• 3.25 Immediate Patdown.....	5
• 3.26 Inland Waters	5
• 3.27 Investigative Detention	5
• 3.28 Level of Suspicion.....	5
• 3.29 Merchandise	5
• 3.30 Non-Forfeitable Evidence	5
• 3.31 Plain Touch	6

• 3.32	Plain View	6
• 3.33	Pretextual Search or Seizure	6
• 3.34	Probable Cause	6
• 3.35	Proceeds	6
• 3.36	Protective Sweep	6
• 3.37	Reasonable Certainty.....	6
• 3.38	Reasonable Expectation of Privacy.....	6
• 3.39	Reasonable Suspicion.....	7
• 3.40	Search	7
• 3.41	Seizure.....	7
• 3.42	“Sneak and Peek” Search Warrant	7
• 3.43	Some or Mere Suspicion	7
• 3.44	Straw Owner.....	7
• 3.45	Telephonic Search Warrant.....	7
• 3.46	Warrant.....	7
Chapter 4. AUTHORITIES/REFERENCES.....		8
• 4.1	Authorities.....	8
• 4.2	References	8
Chapter 5. RESPONSIBILITIES.....		8
• 5.1	Executive Associate Director, Homeland Security Investigations.....	8
• 5.2	Special Agents in Charge	8
• 5.3	Special Agents.....	8
Chapter 6. FOURTH AMENDMENT CONSTITUTIONAL SAFEGUARDS		9
• 6.1	Constitutional Requirements	9
• 6.2	Possible Consequences of Improper Searches and Seizures.....	9
• 6.3	The Fourth Amendment	10
• 6.4	Concept of Level of Suspicion	10
• 6.5	Articulable Facts	10
• 6.6	Totality of the Circumstances	11
• 6.7	Levels of Suspicion	12
• 6.8	Elements of a Seizure	13
• 6.9	Elements of a Search.....	13
• 6.9.1	Government vs. Private Intrusion.....	13
• 6.9.2	Reasonable Expectation of Privacy.....	14
• 6.9.3	Reasonable Expectation of Privacy and the Use of Technology	15

Chapter 7. SEIZURES.....16

• 7.1	Seizures of Persons.....	16
• 7.2	Consensual Encounters	16
• 7.3	Investigative Detentions	16
• 7.4	Frisks	17
• 7.5	Plain Touch	17
• 7.6	Investigative Detentions of Vehicles.....	18
• 7.7	Pretextual Stops.....	18
• 7.8	Property Seizures.....	18
• 7.9	Investigative Detentions of Property.....	19
• 7.10	Seizure of Property as Evidence.....	19
• 7.11	Seizure of Property for Forfeiture	20
• 7.11.1	Contraband	20
• 7.11.2	Determining What May Be Seized for Forfeiture	20
• 7.11.3	Proportionality and the Eighth Amendment.....	24
• 7.11.4	Seizure Warrants	24
• 7.11.5	Asset Identification and Removal Groups	25
• 7.12	Electronic Tracing System	25

Chapter 8. SEARCHES WITH A WARRANT26

• 8.1	Obtaining a Criminal Search Warrant.....	26
• 8.2	Contents of a Search Warrant Affidavit	27
• 8.3	Issuance of a Search Warrant	28
• 8.4	Telephonic Search Warrants	28
• 8.5	Anticipatory Search Warrants	29
• 8.6	“Sneak and Peek” Search Warrants	30
• 8.7	Preparing for the Execution of a Search Warrant	30
• 8.7.1	Operational Plan	31
• 8.7.2	Personnel Assignments	31
• 8.7.3	State and Local Law Enforcement Notification/Participation	32
• 8.7.4	Pre-Execution Briefing	32
• 8.7.5	Notification of the National Law Enforcement Communications Center	32
• 8.8	Executing a Search Warrant.....	33
• 8.8.1	What May Be Searched.....	34
• 8.8.2	Inventory and Receipt	34
• 8.9	Return of the Search Warrant.....	35
• 8.10	Post-Execution Debriefing	35
• 8.11	Civil Search Warrants	35
• 8.11.1	Customs Search Warrants	35

• 8.11.2	Civil/Administrative Search Warrants Under the Immigration and Nationality Act	36
• 8.11.3	<i>Blackie's</i> Warrants	36
• 8.11.4	<i>Barlow's</i> Warrants.....	37
Chapter 9. SEARCHES WITHOUT A WARRANT		37
• 9.1	Search Incident to Arrest.....	38
• 9.2	Protective Sweep	39
• 9.3	Exigent Circumstances	39
• 9.3.1	Hot Pursuit.....	39
• 9.3.2	Destruction or Removal of Evidence	39
• 9.3.3	Protection or Preservation of Life	40
• 9.4	Consent.....	40
• 9.4.1	Voluntariness of Consent	40
• 9.4.2	Authority to Grant Consent	41
• 9.4.3	Scope of Consent.....	41
• 9.5	Mobile Conveyance Search.....	41
• 9.6	Inventories	42
• 9.6.1	Procedures for Inventory Searches.....	42
• 9.7	Detector Dog Screenings.....	43
• 9.8	Regulatory Searches	43
• 9.9	Administrative Searches.....	44
Chapter 10. CUSTOMS BORDER SEARCH AUTHORITY		44
• 10.1	Customs Border Search	44
• 10.2	Customs Officer	45
• 10.3	Merchandise	45
• 10.4	Actual Border	45
• 10.5	Functional Equivalent of the Border	45
• 10.6	Functional Equivalent of the Border Outbound	46
• 10.7	Extended Border.....	47
• 10.8	Scope of a Customs Border Search	47
• 10.9	Personal Border Searches.....	47
• 10.10	Customs Border Searches of Conveyances.....	49
• 10.11	Border Searches of Documents, Electronic Devices, and Electronic Media	49
• 10.11.1	Policy.....	49
• 10.11.2	Timeliness of Review	50
• 10.11.3	Requesting Assistance with a Documentary Search	51
• 10.11.4	Sharing with Outside Agencies	51
• 10.11.5	Travel and Identification Documents	52

• 10.11.6 Attorney-Client Privilege	52
• 10.11.7 Border Searches of Foreign Mail	52
Chapter 11. IMMIGRATION BORDER AUTHORITY	53
• 11.1 Questioning and Routine Searches at the Functional Equivalent of the Border	53
• 11.2 Access to Lands Within 25 Miles of the Border	53
• 11.3 Vehicle Stops and Searches	54
Chapter 12. CUSTOMS MARITIME AUTHORITY AND AVIATION SMUGGLING	55
• 12.1 Customs Waters	55
• 12.2 Inland Waters	55
• 12.3 High Seas	55
• 12.4 Authority to Hail, Board, and Check Documents	55
• 12.5 Protective Sweeps of Vessels	56
• 12.6 Hovering Vessels, Vessels Failing to Display Lights, and Vessels Subject to Pursuit	56
• 12.7 Aviation Smuggling	56
• 12.8 Authority to Request Documents Under Federal Aviation Regulations	57
Chapter 13. DIPLOMATIC IMMUNITY	57
• 13.1 Diplomatic Identification	57
• 13.2 Treatment of Diplomats	58
• 13.3 Foreign Embassies and Diplomatic Missions	58
• 13.4 Diplomats Employed by the U.S. Government	58
 APPENDIX	
Appendix A Acronyms	A-i

SEARCH AND SEIZURE HANDBOOK

Chapter 1. PURPOSE AND SCOPE

The Search and Seizure Handbook establishes policy and procedures to be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents (SAs) when conducting search and seizure activities within the scope of their authority.

Chapter 2. INTRODUCTION

Searches and seizures consistent with Fourth Amendment protections are among the most complex subjects for SAs. The search and seizure methods that HSI utilizes to enforce laws must conform to constitutional and statutory limitations as well as Department of Homeland Security (DHS), ICE, and HSI policy. HSI enforcement activities involve border operations and operations conducted in the interior of the United States. Since statutes, regulations, and case law, including Supreme Court decisions, cannot and do not address every factual scenario regarding search and seizure law, SAs must be attentive to decisions by their circuit courts and prosecutorial policies in their particular districts. SAs make many decisions concerning searches and seizures when confronted with immediate and compelling circumstances in the field. Faced with developing situations, SAs do not always have the opportunity to consult reference materials or policy documents, or to seek the advice of their local Office of the Chief Counsel (OCC) or the appropriate U.S. Attorney's Office (USAO).

It is important, therefore, for SAs to understand and apply the principles of search and seizure laws, policies, and procedures. It is also important for SAs to recognize that the law concerning searches and seizures is intricate and continually evolving. This Handbook is intended neither as a substitute for more detailed study of the pertinent laws and regulations, nor as a replacement for prudent consultation with supervisors, ICE attorneys, and prosecutors.

Chapter 3. DEFINITIONS

The following definitions are provided for the purposes of this Handbook:

3.1 Actual Border

On land, the dividing line between the United States and Canada or Mexico. On the sea, 3 nautical miles from the coast of the United States; in Texas and the Gulf coast of Florida, 9 nautical miles from the coast. In the air, the actual border extends directly upward from the land and sea borders.

3.2 Admissibility

The eligibility of an individual to be legally admitted into the United States, as ascertained by an immigration officer.

3.3 Affidavit

A voluntary declaration of facts written down and sworn to by the declarant before a judicial officer authorized to administer oaths, such as a federal judge or magistrate.

3.4 Anticipatory Search Warrant

A search warrant issued based on an affidavit showing probable cause that, at some future time following the occurrence of a specific triggering event, evidence of a certain crime will be located at a specified place.

3.5 Articulable Facts

Clear and distinct facts stating objective observations and reasonable inferences used to justify levels of suspicion on the part of SAs.

3.6 Border Nexus

A situation in which a person or thing either crosses the border or has come in contact with someone or something that crossed the border.

3.7 Border Search

A search for merchandise conducted at the border of the United States, or a search for persons conducted at the border of the United States for the purpose of excluding illegal aliens.

3.8 Consensual Encounter

An encounter between an SA and an individual during which the individual believes he or she is free to terminate the encounter and leave at any time.

3.9 Contraband

Merchandise that is unlawful to import, export, or possess.

3.10 Curtilage

Curtilage is the immediate area surrounding a residence wherein the intimate activity associated with the sanctity of the home and the privacies of life occurs. Curtilage, like a residence, is protected under the Fourth Amendment from unreasonable searches and seizures. Reasonable is determined on a case-by-case basis, considering:

- 1) The distance from the home to the place claimed to be curtilage (the closer to the home, the more likely it is curtilage);
- 2) Whether the area claimed to be curtilage is included within an enclosure surrounding the home (the absence of an enclosure alone does not mean that it is not curtilage; however, the presence of an enclosure heightens the probability that the area will be deemed curtilage);
- 3) The nature of the area's use (if it is the site of domestic activities, it is more likely to be a part of the curtilage); and
- 4) The steps taken by the resident to protect the area from observation by the public (shielding from public view will favor finding that the portion is curtilage).

3.11 Customs Waters

A body of water wherein U.S. authorities may enforce the laws of the United States. In the absence of a treaty or other arrangement, customs waters extend seaward 12 nautical miles from the mean low water mark of the United States.

3.12 Diplomat

A representative of a foreign government who has been recognized and accredited by the U.S. Department of State to represent that government in the United States or at the United Nations.

3.13 Documents

All papers and other written documentation including, but not limited to, those relating to an alien's identity and/or admissibility; those relating to the import and/or export of merchandise to and from the United States; materials such as books, pamphlets, and printed or manuscript material; monetary instruments; and written materials commonly referred to as "pocket trash" or "pocket litter."

3.14 Electronic Device

Any device that is capable of containing or storing electronic information, such as computers, disks, drives, tapes, mobile phones and other communications devices, cameras, music players, and any other electronic or digital devices.

3.15 Exclusionary Rule

The rule that excludes or suppresses evidence obtained in violation of an accused person's constitutional rights.

3.16 Extended Border Search

A border search (*see* Section 3.7) conducted within the United States away from the actual border (*see* Section 3.1) or functional equivalent of the border (*see* Section 3.22) under circumstances in which SAs have a reasonable certainty (*see* Section 3.37) that a person or thing had or will have border nexus (*see* Section 3.6), reasonable certainty of no material change since or prior to border nexus, and reasonable suspicion (*see* Section 3.39) that the person or thing is involved in criminal activity.

3.17 Facilitating Property

Property that is used in furtherance of criminal activity. Such property may be subject to forfeiture.

3.18 Forfeitable Evidence

Seized property that is needed as evidence of criminal activity and is subject to forfeiture. (This type of property was historically referred to as “dual-status evidence.”)

3.19 Forfeitable Seized Property

Property that has been lawfully seized and for which there is a statutory provision for its forfeiture. Included are facilitating property (*see* Section 3.17) and proceeds of criminal activity (*see* Section 3.35).

3.20 Frisk

A pat down search of a person for concealed weapons conducted in conjunction with an investigative detention.

3.21 Fruit of the Poisonous Tree

The rule that evidence derived from an illegal search, arrest, or interrogation is inadmissible because the evidence (the “fruit”) was tainted by the illegality (the “poisonous tree”).

3.22 Functional Equivalent of the Border

An area of the United States away from the actual border where: 1) an SA has reasonable certainty that a person or thing has crossed the border inbound, will cross the border outbound, or has come in contact with someone or something that crossed the border; 2) the SA has reasonable certainty that there has been or will be no material change in the person or thing between now and the border crossing; and 3) the search occurs at the first practical detention point inbound or the last practical detention point outbound.

3.23 Government

All government employees, whether SAs, other law enforcement officers, or civil authorities, such as building inspectors, health inspectors, or firefighters.

3.24 High Seas

The open waters of an ocean or sea more than 12 nautical miles from the territorial jurisdiction of a country.

3.25 Immediate Patdown

A search of a person, similar in scope and method to a frisk, but conducted at the border, based on reasonable suspicion that an individual is armed.

3.26 Inland Waters

Any natural or artificial body or stream of water within the territorial limits of a country, such as a bay, gulf, river, creek, harbor, port, lake, or canal. The inland waters of the United States are waters that are: 1) inland from the coast of the United States; 2) inland from a line drawn from headland to headland of a river, bay, or inlet with access to the sea; or 3) the U.S. portion of the Great Lakes.

3.27 Investigative Detention

The brief detention of a person or object that does not constitute an arrest, based upon reasonable suspicion that the suspect or object was involved in a crime. The detention may last only long enough to confirm or dispel SAs' suspicions of criminal activity. An investigative detention of a person is often referred to as a "*Terry Stop*."

3.28 Level of Suspicion

The degree of certainty an SA has regarding a person's involvement in criminal activity or the location of evidence in a particular place.

3.29 Merchandise

Goods, chattels, and wares of every description, including merchandise whose importation is prohibited and monetary instruments.

3.30 Non-Forfeitable Evidence

Seized property that is needed as evidence of criminal activity but may be returned to the owner following the conclusion of judicial proceedings. (This type of seized property was historically referred to as "single-status evidence.")

3.31 Plain Touch

The principle that an SA, while conducting a legal pat-down search, may seize any contraband that the SA can immediately and clearly identify, by touch but not by manipulation, as being illegal or incriminating.

3.32 Plain View

An SA who is lawfully and legitimately in a certain location may seize evidence without a warrant provided that the incriminating nature of the object is immediately apparent to the SA and the SA is in a location where he or she can seize the object lawfully.

3.33 Pretextual Search or Seizure

A search or seizure justified by suspicion of one criminal violation, but used to investigate another.

3.34 Probable Cause

Facts and circumstances that would lead a reasonably prudent law enforcement officer to believe that a person has committed or is committing a crime or that a place contains specific items connected with a crime.

3.35 Proceeds

Something received upon selling, exchanging, collecting, or otherwise disposing of collateral. When the exchange is part of criminal activity, the proceeds may be forfeitable.

3.36 Protective Sweep

A brief, limited search of premises, conducted after SAs have lawfully entered the premises, based on a reasonable belief that such a search is necessary to protect the SAs or others from harm.

3.37 Reasonable Certainty

A level of suspicion greater than probable cause but less than “beyond a reasonable doubt.” The level of suspicion required to establish border nexus.

3.38 Reasonable Expectation of Privacy

A situation in which 1) a person expects that a particular place or thing will remain free of government intrusion; and 2) society recognizes the expectation as a reasonable one.

3.39 Reasonable Suspicion

A particularized and objective belief by an SA, supported by specific and articulable facts, that a person or thing is involved in criminal activity.

3.40 Search

A government intrusion that invades a protected interest of an individual.

3.41 Seizure

A person is seized when the government interferes with an individual's freedom of movement, causing a reasonable person to believe that he or she is not free to terminate the encounter. An object is seized when the government meaningfully interferes with an individual's possessory right or interest.

3.42 "Sneak-and-Peek" Search Warrant

A warrant authorizing law enforcement officers to clandestinely enter private premises in the absence of the owner or occupant without prior notice, and to search the premises and collect intangible evidence. Information gathered while executing a sneak-and-peek warrant can later be used to support a search warrant under which physical evidence can be seized.

3.43 Some or Mere Suspicion

A hunch or subjective belief by an SA that a person or thing is involved in criminal activity based only on inconclusive or slight evidence.

3.44 Straw Owner

The titular owner of a property when the titular ownership is used to conceal the real owner. Straw owners may be used to avoid forfeiture or to falsify ownership for tax or other reasons.

3.45 Telephonic Search Warrant

A search warrant obtained, due to special circumstances, by telephonic or electronic communication rather than by a written affidavit presented in person.

3.46 Warrant

A writ directing or authorizing an SA to make an arrest, seize property, or conduct a search.

Chapter 4. AUTHORITIES/REFERENCES

4.1 Authorities

- A. Fourth Amendment.
- B. ICE Directive 10044.1 (former number: 7-6.1), entitled, “Border Searches of Electronic Devices, dated August 18, 2009, or as updated or superseded.
- C. ICE Directive 7-6.0 entitled, “Border Searches of Documents and Electronic Media, dated July 16, 2008, or as updated or superseded. (Note: The portions of this Directive pertaining to electronic devices were superseded on August 18, 2009 by ICE Directive 10044.1.

4.2 References

- A. ICE Memorandum 16001.1, “Superseding Guidance on Reporting and Investigating Claims to United States Citizenship,” dated November 19, 2009, or as updated or superseded.
- B. OI memorandum entitled, “Recordkeeping Procedures Regarding Detentions of Documents and Electronic Media,” dated December 12, 2008, or as updated or superseded.

Chapter 5. RESPONSIBILITIES

5.1 Executive Associate Director, Homeland Security Investigations

The Executive Associate Director of HSI has overall responsibility for the oversight of the policies and procedures set forth in this Handbook.

5.2 Special Agents in Charge and Attachés

Special Agents in Charge (SACs) and Attachés are responsible for implementing the policies and procedures set forth in this Handbook within their respective areas of responsibility.

5.3 Special Agents

SAs are responsible for complying with the provisions of this Handbook.

Chapter 6. FOURTH AMENDMENT CONSTITUTIONAL SAFEGUARDS

6.1 Constitutional Requirements

The U.S. Constitution affects SAs' ability to conduct searches and seizures in several ways. First, it gives Congress the authority to enact laws and the Executive Branch the authority to enforce those laws. Congress, for example, has the authority to regulate trade and commerce with foreign nations, collect duties and taxes, and establish rules for citizenship, naturalization, and immigration. The Constitution also places limits on governmental conduct in order to protect the rights of the people.

As law enforcement officers employed by the Executive Branch, HSI SAs may enforce laws according to the statutory authority granted by Congress, but only in a manner within the limits established by the Constitution.

6.2 Possible Consequences of Improper Searches and Seizures

If SAs exceed their statutory authority or violate constitutional limitations or protections, potential consequences include:

- A. Suppression of Evidence. If SAs violate an individual's constitutional rights, the courts may suppress (exclude) evidence obtained as a result of the violation. Such evidence cannot be used in a criminal proceeding against the individual whose rights were violated. This is also referred to as the "Exclusionary Rule." It is designed to prevent law enforcement officers from violating constitutional safeguards by removing the incentive to do so.
- B. Exclusion of "Fruit of the Poisonous Tree." The courts may extend the Exclusionary Rule to apply to any evidence derived from a constitutional violation. If, for example, SAs neglect to read a suspect his or her Miranda warnings prior to a custodial interrogation and then use statements made during the interrogation to obtain a search warrant for the suspect's home, any evidence discovered during the residential search may be "tainted" by the constitutional violation committed during the interrogation. The evidence will likely be suppressed as "fruit of the poisonous tree."
- C. Civil Liability. The individual whose rights have been allegedly violated may file suit against the government, the SAs involved, or both for damages incurred which stem from the violation.
- D. Employment Consequences. SAs may be subjected to disciplinary action for exceeding their authority and acting in a manner contrary to law and/or DHS, ICE, or HSI policy.
- E. Criminal Prosecution. In some cases, SAs may be prosecuted for criminal misconduct relating to a constitutional or statutory violation.

6.3 The Fourth Amendment

The constitutional limitations on SAs' authority to conduct searches and seizures are found in the Fourth Amendment, which states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The Fourth Amendment protects against unreasonable searches and seizures and extends this protection to people and their property. It applies to all persons in the United States, whether citizen or noncitizen, and whether they are legally or illegally in the United States.

The Fourth Amendment also provides that all warrants shall be based on probable cause. The Fourth Amendment does not mandate a warrant for all searches or seizures, and the courts have recognized several exceptions under which a warrantless search is reasonable. (These exceptions, including border search authority, are discussed in subsequent chapters.)

The courts have overwhelmingly expressed a preference for searches and seizures with a warrant. As a result, it is always recommended that SAs obtain a warrant if time permits, if one of the specific exceptions to the warrant requirement does not apply, and especially if SAs have any doubt concerning whether or not a particular search or seizure requires a warrant.

6.4 Concept of Level of Suspicion

Ultimately, when an SA's conduct is challenged, a court will decide whether the SA acted in a reasonable manner. When determining whether the SA's actions were reasonable under the Fourth Amendment, the courts will compare the SA's conduct during the search or seizure to the level of suspicion that the SA had at the time the search or seizure was conducted. The level of suspicion is a label used to describe how certain the SA is that there was a violation of law. Generally, as a seizure or search grows broader in scope or becomes more intrusive, the required level of suspicion increases.

6.5 Articulable Facts

To establish a level of suspicion, the SA combines articulable facts – pieces of information that can be observed and put into words. The SA may use any reliable information to establish a level of suspicion, including, but not limited to:

- A. The SA's own observations of people and physical evidence.
- B. Information gathered from other SAs or other law enforcement officers. (Statements from law enforcement officers are generally presumed to be reliable.)

- C. Information available through law enforcement computer information systems.
- D. Information from third parties, such as informants. Some examples of ways in which a third party's credibility may be established are:
 - 1) Past Reliability. A record of having provided accurate information in the past is the most frequently used method of evaluating a third party's information.
 - 2) Amount of Detail. The courts will consider the amount of detail provided by the third party when judging the reliability of his or her information, especially if some of the details are corroborated by the SA's observations.
 - 3) Admissions. If the third party is involved in the crime and makes statements against his or her penal interest, he or she is more likely to be considered credible.
 - 4) Status as an Ordinary Citizen. An ordinary citizen who is providing information to the SA, not out of self-interest but merely to assist the SA in the enforcement of the law, is usually viewed as credible.
 - 5) Status as a Victim or a Witness to a Crime. Statements made by victims and/or witnesses to a crime are generally treated as credible.
 - 6) Corroboration. Whenever possible, information provided by third parties should be supported by firsthand observations by the SA or other law enforcement officers. This is especially important if the information is coming from an anonymous source, an informant, or from a third party whose reliability cannot be established by any of the criteria listed above.
- E. Canine Alert. The courts have ruled that a positive alert by a detector dog is tantamount to probable cause.

6.6 Totality of the Circumstances

When determining whether or not the SA had the necessary articulable facts to establish the requisite level of suspicion, a court will take into account not only the articulable facts, but the "totality of the circumstances" surrounding those facts. SAs' training and experience are an important element of the "totality of the circumstances" and may add value to the articulable facts. In other words, articulable facts that would mean nothing to the average person may mean more to a trained SA and may lead the SA to have a higher level of suspicion.

6.7 Levels of Suspicion

LESS CERTAIN

- No Suspicion
- Some or Mere Suspicion
- Reasonable Suspicion
- Probable Cause
- Reasonable Certainty
- Proof Beyond a Reasonable Doubt

MORE CERTAIN

- A. No suspicion is required for some searches and seizures. For example, searching luggage for merchandise at the border is defined as a search under the Fourth Amendment, but it is deemed reasonable under the border search exception and requires no suspicion on the part of the SA.
- B. Some or mere suspicion is a subjective belief on the part of the SA. An SA does not need any articulable facts to have mere suspicion. He or she may suspect someone simply because of a “hunch.” Alternatively, the SA may have articulable facts to support mere suspicion, but not enough to form the basis for reasonable suspicion.
- C. Reasonable suspicion is an objective belief by the SA that a person might be engaged in criminal activity. This level of suspicion must be based on one or more articulable facts. The SA must be able to explain his or her reasons for the search or seizure, and those reasons must be enough to make a reasonable person suspect that a particular individual is involved in a crime.
- D. Probable cause is a reasonable ground to suspect that a person has committed or is about to commit a crime or that a place contains specific items connected with a crime. Under the Fourth Amendment, probable cause – which amounts to more than a bare suspicion but less than evidence that would justify a conviction – must be shown before an arrest warrant or search warrant may be issued. Probable cause may not be established simply by showing that the law enforcement officer subjectively believed he or she had grounds for his or her action. Rather, the probable cause test is an objective one requiring that the facts would warrant a belief by a reasonable person.
- E. Reasonable certainty may also be described as a firm conviction or a high degree of probability. However, it requires more certainty than probable cause.

- F. Proof beyond a reasonable doubt exists when there is no legitimate reason to believe that a person did not commit a crime. Proof beyond a reasonable doubt is the level of suspicion needed to convict a defendant in court.

6.8 Elements of a Seizure

Three factors must be present in the seizure of a person: 1) the government; 2) interference with freedom of movement; and 3) a reasonable belief on the part of the person that he or she is not free to terminate the encounter.

Not all interaction between SAs and private individuals constitutes a seizure. SAs, for example, have not seized a person merely by approaching the person in a public place, inquiring about identity, or requesting consent to interview the person or to search luggage or other areas. As long as the SAs do not restrain the freedom of an individual to terminate the encounter and walk away, no seizure has occurred and the Fourth Amendment is inapplicable.

A seizure occurs when, in view of all the circumstances surrounding the incident, a reasonable person would believe that he or she is not free to leave or terminate the encounter. Some encounters may constitute seizures from the outset. At other times, an initially consensual encounter may escalate into a Fourth Amendment seizure.

An object is seized when the government meaningfully interferes with a person's possessory right or interest. All three elements -- 1) the government, 2) meaningful interference, and 3) a possessory right or interest -- must be present for there to be a seizure. If SAs merely move luggage around on a conveyance to facilitate a canine screening, this action does not constitute a seizure, since the actions of the government did not rise to the level of meaningful interference. Similarly, if SAs take custody of trash left for collection outside the curtilage of a residence, their actions do not constitute a seizure since the former owner of the garbage has relinquished any possessory right or interest in the property, having signified by his or her actions an intent to abandon the trash.

6.9 Elements of a Search

Three elements must be present in a Fourth Amendment search: 1) the government; 2) an intrusion; and 3) a protected interest. A "protected interest" is determined by the establishment of a reasonable expectation of privacy (REP) (*see* Section 6.9.2).

6.9.1 Government vs. Private Intrusion

In defining "the government" for the purposes of searches and seizures, the courts restrict the actions of all government employees, whether SAs, other law enforcement officers, or civil authorities, such as building inspectors, health inspectors, or firemen. A private individual may intrude upon an individual's REP without conducting a search subject to Fourth Amendment limitations. If a private citizen acquires evidence of a crime and voluntarily hands it over to SAs, that evidence may be admissible in criminal proceedings against a defendant even if the private citizen's intrusion was illegal.

Fourth Amendment law does, however, prohibit searches by private citizens if they are acting on behalf of the government. If an informant conducts an illegal search at SAs' direction or with SAs' acquiescence, the search would constitute a violation of Fourth Amendment rights.

6.9.2 Reasonable Expectation of Privacy

For an individual to have a REP, two conditions must be met: 1) the individual has an expectation of privacy; and 2) the individual's expectation is one that society recognizes as reasonable – in other words, a subjective belief that is objectively reasonable.

Examples of factors that may help determine whether or not a person's expectation is objectively reasonable are: 1) whether or not the public has access to the area in question; 2) whether the individual owns or occupies the area or property; and 3) whether or not the person has taken steps to control access or exclude others from the property or area.

A. Generally, there is a REP in the following:

- 1) A person's body.
- 2) A person's home.
- 3) Curtilage. Curtilage is defined as an area in close proximity to a person's home where the activities of the home are conducted (*see* Section 3.10). A fenced side yard, for example, might be curtilage. Factors to be considered when deciding whether or not an area is part of the curtilage are: (i) its proximity or connection to the home; (ii) if it is enclosed or fenced; (iii) how the area is used; and (iv) whether or not steps have been taken to screen the area from public observation.
- 4) Vehicles. This means the vehicle's interior. There is no REP in the vehicle's exterior or undercarriage.
- 5) Containers. This includes purses, briefcases, backpacks, luggage, sealed packages, and letters.
- 6) Private communications.

B. There is generally no REP, and therefore no Fourth Amendment search protection, for the following:

- 1) Areas in open view.
- 2) Open fields. An open field is an area of private property that is adjacent to a dwelling but is not part of the curtilage. SAs may enter open fields without intruding into a REP and without conducting a search under the Fourth Amendment.

- 3) Public areas. In addition to other public areas, this includes law enforcement vehicles and facilities.
- 4) Overheard conversations, so long as the conversation is overhead from a position where the law enforcement officer is lawfully present.
- 5) Abandoned property. The property must be abandoned voluntarily, as opposed to lost or stolen property. If it is discarded in response to an SA's actions (during a pursuit, for example), the SA's actions must be lawful.
- 6) Trash. The U.S. Supreme Court has ruled that trash placed in public for collection has no REP; as such, Fourth Amendment analysis is inapplicable. When SAs recover and examine trash, this will not normally amount to a "search" in a Fourth Amendment context so long as the SAs have lawful access to the trash without entering onto the curtilage.
- 7) Odors. A canine sniff of an object does not involve any intrusion and is not a search. Canine sniffs of a person's body (e.g., sniffing a passenger's clothing in an airport terminal) raises additional issues of intrusion and may constitute a search. However, in order to perform a canine sniff, the law enforcement officer and canine must be lawfully present in the area where the sniff occurs.
- 8) Identification and travel documents. Such documents are designed for use by public officials and are not considered private.

6.9.3 Reasonable Expectation of Privacy and the Use of Technology

Generally, SAs may use technology to aid in their observation of an area that has no REP. For example, if an SA can see into an open, unfenced yard from the adjacent public sidewalk, that yard has no REP. If the SA chooses, for investigative reasons, to view the yard with a pole-mounted camera, there is still no REP and therefore no Fourth Amendment search.

The same applies to any type of technology. If SAs can see, hear, or otherwise observe something from the vantage point of a public place, or a place to which they have been given lawful access, using their unaided senses, they may see, listen to, or observe the same evidence using technological aids in order to observe the evidence more clearly or keep their investigation clandestine. The key point is that the use of the technological aid does not give the SAs the ability to intrude into an area with a REP.

Fourth Amendment issues arise when SAs use binoculars, telescopes, listening devices, thermal imaging, night vision, or other technological tools to enhance or extend SAs' ability to observe an area in which an individual has a REP. In some such cases, the SAs' conduct becomes a search under the Fourth Amendment and generally requires a court order or warrant. Legal and procedural requirements for searches using technological devices and monitoring equipment can be found in the Technical Operations Handbook (HHSI IIB 11-05), dated September 27, 2011, or as updated.

Chapter 7. SEIZURES

7.1 Seizures of Persons

The three principal levels of encounters between SAs and the public at locations other than the border are: 1) consensual encounters, where the person is free to leave at any time or may refuse to answer any questions; 2) investigative stops, which must be supported by the SAs' reasonable suspicion, and which only permit a brief detention of the individual; and (3) arrests, which must be supported by probable cause to believe that the person has violated a law within the scope of the SA's authority.

This section will focus on questioning and detention not amounting to arrest, as arrests are covered more specifically in the Arrest Procedures Handbook (Office of Investigations (OI) Handbook (HB) 07-02, dated October 4, 2007, or as updated). Seizures under customs border authority and under the Immigration and Nationality Act (INA) will be discussed in Chapters 8 and 9.

7.2 Consensual Encounters

As discussed in Section 6.8, consensual encounters between an SA and the public are not seizures under the Fourth Amendment and require no suspicion on the part of the SA. So long as an individual remains free to terminate the encounter and leave, the SA may approach the individual, request (but not demand) that the person identify himself or herself, and ask questions.

During the course of a consensual encounter, an SA may wish to take some or all of the following actions to avoid turning the contact into a detention or arrest: 1) be courteous; 2) explain the purpose of the encounter; 3) identify himself or herself as an SA; and 4) request cooperation from the individual, but explain that the person is free to leave.

To avoid transforming the consensual encounter into a seizure, the SA may want to avoid: 1) making demands or giving commands; 2) language or a tone of voice that implies that the individual's compliance is mandatory; 3) displaying (to the extent possible) any weapons; 4) touching the person; 5) retaining the person's identification documents longer than necessary; 6) using any force; and/or 7) issuing Miranda warnings.

7.3 Investigative Detentions

SAs may briefly, forcibly detain a person if there is reasonable suspicion to believe that the person is violating, has violated, or is about to violate any criminal statute which the SAs are authorized to enforce. Investigative detentions (defined in Section 3.27) are considered seizures under the Fourth Amendment and are often referred to as "*Terry stops*," so named because of the Supreme Court decision (*Terry vs. Ohio*) that recognized this type of police-individual encounter.

An investigative detention should be brief and limited in scope. Its purpose is to gather enough information to verify or dispel the SA's suspicions. The person must be released as soon as the SA dispels his or her suspicions. If the SA verifies the suspicions and develops probable cause, the detention may escalate into an arrest.

An investigative detention may unintentionally escalate into an arrest if the SA detains the individual for too long or uses excessive force. In addition to the duration of the stop, the courts will consider a variety of factors in determining if an arrest occurred. These factors include, but are not limited to: 1) the purpose for the detention and the suspected crime; 2) the amount of force used; 3) the number of law enforcement officers involved in the detention; 4) the time, location, and surrounding environment; and 5) whether or not the SA acted to accomplish the purpose of the investigative detention as quickly as possible.

If the SA is concerned with officer safety and decides to wait for backup, the investigative detention may reasonably last for a longer period of time without becoming an arrest. The same applies if the SA needs to wait for a canine officer or other expert assistance in order to resolve his or her suspicions. Even in these and other extenuating circumstances, SAs should move to conclude the investigative detention as expeditiously as possible; the duration of the stop must be reasonable given the totality of the circumstances.

Placing an individual in handcuffs does not, in itself, constitute an arrest. If the SA is able to articulate why handcuffing was objectively necessary for officer safety, the SA may handcuff an individual during an investigative detention.

7.4 Frisks

During the investigative detention, if the SA has reasonable suspicion that the individual is armed and dangerous, the SA may frisk (defined in Section 3.20) the individual. A frisk is a search for weapons. It is to be conducted for officer safety; it is not a search for evidence.

During a frisk, an SA may feel the outside of the individual's clothing for the presence of a weapon. The SA may also feel the outside of any bags or containers the person is carrying. If the individual is wearing heavy clothing, the SA may reach underneath an outer jacket to avoid missing any weapons. If the SA feels a suspected weapon, the SA may reach into the clothing to remove it.

7.5 Plain Touch

While the purpose of a frisk is to search for weapons, the SA may seize contraband discovered during the course of a frisk. This is known as the "plain touch doctrine." To perform a lawful seizure under the plain touch doctrine, the SA must recognize immediately that the perceived item is contraband. The SA may not manipulate a soft item through the clothing in order to identify it. If the item is hard, it may be retrieved as a possible weapon and seized once it has been identified as contraband.

7.6 Investigative Detentions of Vehicles

SAs may conduct investigative detentions of vehicles. SAs may stop a vehicle with reasonable suspicion that a person inside the vehicle is, or is about to be, engaged in criminal activity. SAs may also stop a vehicle with reasonable suspicion that the vehicle contains contraband or that a person in the vehicle is wanted for past criminal conduct.

During an investigative stop of a vehicle, SAs may do any of the following to ensure officer safety: 1) remove the driver and passengers from the vehicle; 2) order the driver and passengers to remain in the vehicle; 3) use a light to illuminate the interior of the vehicle; and 4) conduct license and registration checks.

In addition, SAs may conduct a “frisk” of the vehicle. If the SAs have reasonable suspicion that any occupant of the vehicle is dangerous and may gain access to a weapon, the SAs may frisk the person and search the entire passenger compartment of the vehicle for a weapon. This includes any containers to which the person has immediate access and that might contain a weapon. A frisk may not include the trunk of a vehicle.

7.7 Pretextual Stops

The courts have ruled that pretextual vehicle stops are permitted in certain circumstances. SAs may use reasonable suspicion that another violation has occurred to stop an individual or vehicle. Once the stop has been made, the SA may ask questions pertaining to an unrelated offense. If SAs lack reasonable suspicion to make a stop for an offense within the scope of their authority, the SAs may utilize the assistance of state and local law enforcement. A state or local law enforcement officer may conduct a pretextual vehicle stop based on a traffic violation or other violation within his or her authority and in accordance with the laws and regulations of that state or local law enforcement officer’s jurisdiction.

7.8 Property Seizures

Property seized by SAs falls into two broad categories: 1) property seized as evidence to be used in a criminal or administrative proceeding; and 2) contraband or other property subject to forfeiture.

Some seized property falls into only one of these categories. For example, financial documents or utility bills seized during a search warrant are normally seized only as evidence. They are typically returned to the owner or a designee following any judicial proceedings. Evidence that is not subject to forfeiture is termed “non-forfeitable evidence” (*see* Section 3.30). Similarly, a vehicle purchased with proceeds from alien smuggling may be seized for forfeiture only, since it was derived from a crime but has no evidentiary value. This type of property is referred to as “forfeitable seized property” (*see* Section 3.19).

Other seized property falls into both categories. A shipment of cocaine, for example, will be held as evidence of drug smuggling throughout a criminal proceeding, after which it will be forfeited and destroyed as contraband. A mobile telephone used to facilitate human trafficking

may be forfeitable, but may first be held as evidence due to call history or address book information stored in its memory. Seized property of this type is termed “forfeitable evidence” (see Section 3.18).

The following sections provide a general overview of legal guidelines, policies, and procedures for seizures of property. For more detailed information and policies regarding property seizures, evidence processing, and asset forfeiture, SAs should refer to the Seized Asset Management and Enforcement Procedures Handbook (SAMEPH) (CBP HB 4400-01B, dated July 2011, or as updated), the IISI Asset Forfeiture Handbook (IISI HB 10-04, dated June 30, 2010, or as updated), and other HSI policies on evidence and asset forfeiture.

7.9 Investigative Detentions of Property

As with people, SAs may conduct an investigative detention of property. Based on reasonable suspicion, SAs may detain something long enough to determine whether or not it is evidence of a crime, subject to forfeiture, or both. For example, if SAs reasonably suspect that luggage at a domestic airport terminal contains narcotics, they may detain the luggage long enough to request a canine screening. If, however, an object is seized for more than a brief, investigative purpose, the seizure requires probable cause. (Note: The reasonable suspicion requirement described above applies to non-border circumstances. SAs’ border search authority will be discussed in Chapters 8 and 9.)

7.10 Seizure of Property as Evidence

Any kind of property is subject to lawful search and seizure if the item or property to be seized appears to be reasonably necessary to aid in a particular apprehension or conviction. The most important considerations when seizing evidence are: 1) that the SAs are in a lawful position to observe the incriminating item, and 2) that they have a lawful right of access to the incriminating item. For example, if SAs can see contraband through the window of a residence from the public street, they are in a lawful position to observe the evidence and have probable cause to seize it. To conduct a lawful seizure, however, SAs must also have access to the home by means of a search warrant or some other justification for a warrantless search (see Chapter 9).

The following are the most typical situations in which SAs may seize property as evidence:

- A. Pursuant to a Search Warrant. According to Rule 41 of the Federal Rules of Criminal Procedure (FRCrP), a search warrant may be issued to search for and seize any:
 - 1) property that constitutes evidence of the commission of a criminal offense;
 - 2) contraband, the fruits of crime, or things otherwise criminally possessed; or
 - 3) property designed or intended for use or which is or has been used as the means of committing a criminal offense.

The warrant must describe the items to be seized. This description may be specific (e.g., a particular kind of counterfeit merchandise or military hardware) or general (e.g., controlled substances).

- B. Evidence in Plain View. When executing a search warrant, the general rule is that SAs may seize only those items described in the warrant. The “plain view doctrine” provides an exception to that rule, allowing SAs to seize other items of an incriminating nature if they come across them during the course of a lawful search. For example, SAs executing a search warrant for narcotics in the home of a known felon may discover and seize any firearms. To seize property under the “plain view doctrine,” SAs’ search must be within the scope of the warrant and SAs must immediately recognize the incriminating nature of the item(s).
- C. Pursuant to a Lawful Warrantless Search. If SAs encounter evidence or contraband during the course of a warrantless search (for example, a border search, consent search, or search incident to arrest), they may seize the items as evidence. (Exceptions to the Fourth Amendment warrant requirement are discussed in Chapter 8.).

7.11 Seizure of Property for Forfeiture

The purpose of forfeiture is to deny criminals the instruments or profits of their criminal activity. Unlike non-forfeitable evidence, property seized for forfeiture or forfeitable evidence must undergo a two-stage process. First, SAs seize the property based on probable cause. Second, the property will undergo forfeiture proceedings to determine whether title to the property will be vested in the U.S. Government.

7.11.1 Contraband

Contraband (*see* Section 3.9) is defined as an item that is illegal to possess, import, or export. Illegal narcotics or child pornography are two examples of contraband. SAs may seize contraband with the presumption that it will be administratively forfeited and destroyed once it is no longer needed as evidence.

7.11.2 Determining What May Be Seized for Forfeiture

When planning to seize property for forfeiture, SAs should take the following steps:

- A.

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

B. (b)(7)(E)

C. (b)(7)(E)

(b)(7)(E)

D. SAs should consider by which process the property is to be forfeited. Forfeiture of property may occur in one of three ways:

1) Administrative Forfeiture. (b)(7)(E)

(b)(7)(E)

2) Civil Forfeiture. (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

3) Criminal Forfeiture. (b)(7)(E)

(b)(7)(E)

In cases where seized property meets the criteria for administrative forfeiture, administrative forfeiture proceedings should be commenced and run parallel with the criminal forfeiture proceedings. This ensures that a forfeiture of seized property may be effected in the event that the property is not forfeited, for whatever reason, in the criminal case. The important point to remember in such cases is that the SAs, FP&F, and the USAO must be fully informed of the progress of all forfeiture proceedings and the status of the investigation. In such cases, SAs should enlist the aid and expertise of their local Asset Identification and Removal Group (AIRG) (*see* Section 7.11.5).

- E. SAs should determine the statutory basis for the forfeiture. Logic seems to suggest that this would be the first step in evaluating a potential forfeiture. It is often difficult, however, to determine which statute to use until SAs have determined feasibility, resolved the question of facilitation vs. proceeds, and decided between administrative, civil, or criminal forfeiture. Once the SAs have taken these steps, they should carefully review the provisions of the underlying criminal offense with special attention to any forfeiture provisions.

Some statutes contain their own “built-in” forfeiture provisions. For example, Title 19, United States Code (U.S.C.), Section 1595a(a) provides for forfeiture for a variety of customs violations; 8 U.S.C. § 1324(b) provides for forfeiture for many alien smuggling offenses; and 21 U.S.C. §§ 853 and 881 are the statutory bases for many controlled substance-related forfeitures. Whatever the underlying statute, SAs should examine what the statute specifically allows or does not allow in terms of forfeiture. Some statutes contain no forfeiture provisions. Others provide for forfeitures based on proceeds, but not facilitation, or *vice versa*. Some, as in Title 21, make a clear distinction between procedures to be followed in criminal forfeiture proceedings and those to be followed in civil forfeiture proceedings.

If the underlying criminal offense does not contain its own forfeiture provision or if the investigation involves money laundering offenses, SAs should review the provisions of the general forfeiture statutes: 18 U.S.C. § 981 for civil forfeitures and 18 U.S.C. § 982 for criminal forfeitures.

7.11.3 Proportionality and the Eighth Amendment

Seizures of property for forfeiture purposes should not only be “reasonable” within the meaning of the Fourth Amendment, but also be proportionate in terms of the Eighth Amendment, which states: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” Defendants often attempt to avoid forfeiture by arguing that it is “excessive.” In considering a defendant’s arguments, the court will weigh the extent of the criminal activity against the value of the forfeited property. For example, if a defendant’s house is to be forfeited as a narcotics stash house, the court will consider the quantity of drugs stored in the house and how frequently the house was used for this purpose. (b)(7)(E)

(b)(7)(E)

7.11.4 Seizure Warrants

As with seizures of property for evidence, seizures of property for forfeiture may or may not require a warrant. If SAs have probable cause that an item is forfeitable as proceeds or for facilitation and if the SAs have lawful access to the property, SAs may make some seizures without a warrant. For example, SAs may conduct a warrantless seizure of a vehicle used to smuggle drugs if the vehicle is located on the public street. Likewise, if SAs are executing a search warrant at a house and observe money or other high value items that they have probable cause to believe are proceeds of the crime, they may seize the items for forfeiture without obtaining a seizure warrant.

However, if time allows, it is always recommended that the SAs obtain a seizure warrant. The use of a warrant, even if one is not required, will help to prevent legal challenges to the SAs’ conduct later in the forfeiture proceedings.

With the assistance of the USAO, SAs may obtain a seizure warrant for any seizure, whether the intended forfeiture proceedings will be administrative, civil, or criminal. When applying for a seizure warrant, an SA should prepare an affidavit establishing probable cause, which should contain the following:

- A. A section identifying the SA and describing the SA’s training and experience;
- B. A section specifically identifying the property to be seized;
- C. A section explaining the legal basis for seizure and forfeiture and citing the applicable laws;
- D. A section providing the background of the investigation leading up to the discovery of probable cause for the seizure of the property; and
- E. A section that establishes the SA’s probable cause for the seizure.

The SA will submit the seizure warrant, the supporting affidavit, and any sealing or other orders to a federal magistrate or district judge, swearing before the judge to the veracity of the affidavit. When issued, the warrant will command the SA or any authorized officer to execute the seizure within a 10-day period. Once executed, the SA must leave a copy of the warrant with the owner of the property or at the location where the property was seized. The SA must then return the warrant to the issuing judge or magistrate in a timely manner, specifying what property, if any, was located and seized pursuant to the warrant.

7.11.5 Asset Identification and Removal Groups

AIRGs are located in the SAC offices to assist criminal case agents with seizures of property for forfeiture. If SAs need additional expertise or assistance with forfeiture questions that arise during an investigation, they may contact the local AIRG. If an investigation holds the potential for significant seizures and forfeitures of property, the SAs should enlist the aid of the local AIRG as early in the investigation as possible.

Forfeitures of real property or businesses involve additional pre-seizure planning and forfeiture considerations. Only SAs assigned to an AIRG may seize real property. If a case holds the potential for forfeiture of real property or a business entity, the criminal case agent must request assistance from the local AIRG. The criminal case agent also should contact the local AIRG if the investigation involves any asset valued at more than \$100,000. (See the Asset Forfeiture Handbook (HSI HB 10-04), dated June 30, 2010, or as updated.)

7.12 Electronic Tracing System

When acting in the capacity of seizing officer during any enforcement action or investigative process resulting in firearms seizures, or when encountering firearms during the course of an enforcement action or investigation, SAs should use the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF's) Electronic Tracing System (eTrace).

eTrace is a firearms trace request submission system and interactive trace analysis module that facilitates firearms tracing. eTrace provides the electronic exchange of gun crime incident data in a Web-based environment with a portal to ATF's Firearms Tracing System (FTS) database. The system provides real-time capabilities that allow ICE HSI SAs to submit electronic firearms trace requests, monitor the progress of traces, retrieve completed trace results, and query firearms trace-related data in the FTS database. Firearms tracing is the systematic tracking of the movement of a firearm from its creation by the manufacturer or its introduction into the U.S. commerce by the importer, through the distribution chain, to the first retail purchase.

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(b)(7)(E)

Additionally, HSI SAs can generate statistical reports on the number of traces submitted, the top firearms traced, the average time-to-crime rates, and other variables.

The benefits of eTrace include the ability to 1) develop investigative leads; 2) significantly reduce the turnaround time required to process a trace request; 3) improve quality of trace related information because of real-time data validation; 4) monitor the status of traces; 5) view/print/download completed trace results; and 6) generate statistical reports and perform online analytical research. In addition, the application is available 24 hours per day/seven days per week and is provided free of charge to HSI.

Chapter 8. SEARCHES WITH A WARRANT

A search conducted with a warrant is presumed to be lawful; in seeking to suppress evidence, the defendant has the burden of proving that it is not. For that reason, SAs operating in a non-border environment should make every effort to obtain a warrant prior to searching, even if an exception to the warrant requirement appears to exist.

Warrant requirements vary depending on whether the suspected violation is civil or criminal. The warrant requirements for criminal violations are governed by Rule 41 of the FRCrP. In certain cases, SAs may also obtain civil or administrative warrants under the authority of Title 19 of the U.S. Code or under the INA. (Civil search warrants are discussed in Section 8.11.)

Search warrants are often issued for premises, which include houses, apartments, storage spaces, offices, and warehouses, among others. As an investigative tool, a search warrant may also be obtained to search other property or items, including, but not limited to, financial or other records, safe deposit boxes, post office boxes, stored electronic communications, mail, vehicles, or persons, including body cavity or bodily fluid searches. This Chapter focuses on search warrants for premises, not only because they are one of the types of search warrants most frequently executed by SAs, but also because of the degree of preparation required to execute a search warrant at a residence or business.

8.1 Obtaining a Criminal Search Warrant

Rule 41(c) of the FRCrP states that a warrant may be issued at the request of a federal law enforcement officer or an attorney for the government. As federal law enforcement officers within the meaning of the FRCrP, HSI SAs must present an affidavit to a federal magistrate or judge. In rare, exigent circumstances, the SAs may present the affidavit to a judge of a state court of record when a federal judge is unavailable. In all but certain terrorism-related investigations, the judge must have jurisdiction in the district where the property to be searched is located. The judge will issue the warrant if he or she is satisfied that the affidavit reflects probable cause.

Title 28, Section 60.1 of the Code of Federal Regulations (C.F.R.) requires that, in all but the rarest and most exigent cases, SAs must seek the concurrence of the USAO before applying for search warrants. In most cases, therefore, SAs will obtain a search warrant by preparing and submitting a written affidavit to the USAO. Either the SA or the USAO will also prepare an unsigned copy of the search warrant itself and, if applicable, any other orders the SA or AUSA may believe are appropriate (e.g., an order to seal the affidavit from disclosure). Once an AUSA

has approved the affidavit and prepared the appropriate accompanying documents, the SA will present the affidavit to a federal magistrate or judge, affirm its contents under oath, and sign the affidavit in the presence of the judge or magistrate.

8.2 Contents of a Search Warrant Affidavit

While the precise format may vary depending on the nature of the property or item to be searched and the district in which the SA is operating, an SA's search warrant affidavit should include the following:

- A. An introductory section identifying the SA and describing the SA's background, training, and experience.
- B. A section describing the purpose of the affidavit, including the specific statutory violations and legal authorities for requesting the warrant.
- C. An identification of the property or item to be searched. This should consist of as complete a description of the property or item as possible, including not only an overall description of the property or item, but also any identifying marks or numbers (e.g., addresses, license plate numbers, vehicle identification numbers, serial numbers, etc.). The description of the property or item to be searched is often incorporated into an attachment to the affidavit.
- D. A detailed description of the evidence sought and the items to be seized. This also may be included as an attachment to the affidavit. The list should be as detailed and inclusive as possible.

(Note: If SAs have probable cause to search for evidence that may be stored in electronic form, they should enlist the aid of their local computer forensics group. Likewise, if they have probable cause to search for and seize financial documents, SAs should consult their local AIRG or financial investigative group. These subject matter experts can assist in providing the appropriate language to be included in this section of the affidavit.)
- E. A section providing background information about the investigation. This may include an overview of the investigation leading up to the discovery of probable cause for the search warrant. For investigations dealing with complex violations or technical issues, this section may also provide definitions or explanations necessary for an understanding of the probable cause.
- F. A statement of probable cause. It is not necessary to relate every fact of the investigation to the judge or magistrate, but it is important to be thorough and include enough detailed information for the judge to make a finding of probable cause based solely on the affidavit. Information establishing probable cause should be timely, i.e., it should be recent enough to convince the judge that the evidence and items to be seized are still located in the place to be searched.

Probable cause may be established by means of any of the articulable facts described in Section 6.5. It may include both the SA's firsthand observations and hearsay. If the SA uses hearsay from non-law enforcement third parties, such as informants, the SA should include the reasons why he or she believes that the information is reliable. If the SA used his or her training and experience to add value to certain facts in the investigation, this should be stated and explained in the affidavit.

- G. In applicable cases, the SA will include a statement justifying nighttime execution or a "no knock" entry. Primarily, justification for a "no knock" entry or nighttime execution are based on either officer safety or preventing the destruction of evidence. The list of factors that could fall under these general categories are numerous and should be articulated to the judge or magistrate in the affidavit when a "no knock" entry or nighttime execution is sought.
- H. A search warrant may include additional attachments that provide documentary evidence for some of the assertions made in the statement of probable cause. Most search warrants will not include such attachments, but they are useful in cases where references to documentary evidence are so frequent that it is easier and clearer to attach the document itself.

8.3 Issuance of a Search Warrant

Upon a finding of probable cause, the judge or magistrate will issue a search warrant to be served within 10 calendar days from issuance. If, for some reason, SAs are unable to execute the warrant within the 10-day period, the warrant will become invalid and the SAs must apply for a new warrant based on whatever probable cause may still be timely.

Although a specific SA may be named as the affiant to a search warrant affidavit, it is recommended that the search warrant itself be directed to "any Special Agent of the U.S. Immigration and Customs Enforcement." If the affiant becomes unavailable, or if multiple warrants are to be served simultaneously at different locations, this wording will allow another SA to execute the search warrant.

8.4 Telephonic Search Warrants

In some critical circumstances, a federal judge or magistrate may issue a search warrant based on sworn testimony communicated by an SA from a remote location. In the past, these warrants were obtained by reading a warrant and probable cause statement over the telephone. Rule 41 of the FRCrP was modified to allow for the submission of search warrants by facsimile or other "reliable electronic means."

When seeking a telephonic warrant, the SAs should be prepared to show that: 1) they could not reach the magistrate in his or her office during regular business hours; 2) the SAs seeking to make the search are at a significant distance from the magistrate; 3) because of the particular factual situation, it would be unreasonable for a substitute SA who is near the magistrate to prepare a written affidavit and appear before the magistrate in person; and 4) the need for a

search is such that, absent the telephonic or electronic procedure, there is a significant risk that evidence would be destroyed.

To obtain a telephonic search warrant, the SA will prepare a document known as a “proposed duplicate original warrant.” The contents of a telephonic search warrant shall meet the same standards as the contents of a search warrant upon written affidavit. While applying for the warrant, an SA most often will transmit a copy of the proposed warrant to the magistrate by fax or e-mail. The judge will read the warrant, sign it, and transmit it back to the SA. The magistrate may direct that the SA make modifications to the warrant.

Procedures for obtaining a telephonic search warrant may vary from district to district. SAs must first contact an AUSA for concurrence and guidance. Prior to contacting the AUSA, SAs should:

- A. Have a prepared search warrant, including an affidavit and the return receipt and inventory. If possible, this search warrant should be in electronic as well as written format so that it can be submitted according to the preferences of the magistrate.
- C. Have a telephone number and fax number or e-mail address at which the requesting SA can be reached.
- C. Have, in written form, a list of circumstances which demonstrate that it is necessary to apply telephonically or electronically rather than present a written affidavit.
- D. Be prepared, if a nighttime service is warranted, to make a showing as to why other than daytime service should be authorized.

The AUSA either will set up a conference call (AUSA, affiant, and magistrate) or will have the SA call the magistrate, who will provide the SA with specific instructions, including the preferred method for the submission of the warrant and affidavit. The SA must follow the specific instructions that the magistrate provides.

Upon issuing a warrant by telephonic or electronic means, the magistrate will enter the exact date and time of issuance on the face of the warrant. When executing the warrant, the SA will write the precise date and time of execution on the face of the warrant.

8.5 Anticipatory Search Warrants

An anticipatory search warrant is based upon probable cause that, at some future time, certain evidence of a crime will be located at a specified place. When judges issue an anticipatory search warrant, they are not deciding that there is probable cause at the time they sign the warrant, but that probable cause will exist upon the occurrence of an identifiable “triggering event.”

(b)(7)(E) SAs must specifically describe the triggering event in the affidavit, and it must be something other than the mere passage of time. SAs may not execute the search warrant until the triggering event occurs.

8.6 “Sneak and Peek” Search Warrants

SAs may obtain a “sneak and peek” warrant in cases in which they wish to confirm the existence of incriminating evidence without jeopardizing the overall investigation by alerting the suspects. For example, while utilizing a Title III wire intercept during a drug smuggling investigation, SAs learn that a suspect is storing a load of cocaine in his or her home. The SAs wish to document the existence of the cocaine without revealing the ongoing investigation or jeopardizing the wire intercept. The SAs may apply for a “sneak and peak” warrant to enter the home without providing notice to the suspect.

In addition to the requirements of a normal search warrant affidavit, an affidavit for a “sneak and peek” warrant must provide the reasons why it is necessary to delay notice. Notice of a “sneak and peek” warrant may be delayed for up to 30 days if specified in the warrant. The court may grant additional delays if justified by the facts of the case.

8.7 Preparing for the Execution of a Search Warrant

If time permits prior to executing a search warrant at a home, business, or other premises, SAs should prepare by taking the following steps (some of these steps may have been taken in preparation for the search warrant affidavit):

- A. The SAs should query all available law enforcement databases to determine:
 - 1) Who resides at or is associated with the location;
 - 2) If there are any firearms registered to anyone at the location;
 - 3) If anyone at the location has a prior criminal history or a prior history as a violator of any immigration or customs laws; and
 - 4) If any vehicles are registered to the location or to people associated with the location.
- B. The SAs may also wish to query law enforcement databases for neighbors in the immediate vicinity of the location to be searched. This may alert SAs of potential officer safety problems in advance of the warrant execution.
- C. Time permitting, the SAs may verify the above information by requesting subscriber information for the location from the appropriate utility companies.
- D. In addition to the above records checks, the SAs should query, if available, the appropriate law enforcement data clearinghouses to ascertain whether or not the location is or has been involved in an investigation by another law enforcement agency.

- E. The SAs should conduct periodic surveillance of the location to determine:
- 1) Who resides at or is associated with the location, and when they are present.
 - 2) If there are any children at the location and, if so, their approximate ages.
 - 3) If there are any pets at the location, and, if so, whether or not they will pose a threat to the SAs during the warrant execution.
 - 4) Vehicles associated with the location.
 - 5) The layout of the location, including entry and exit points and any obstacles that will need to be overcome (e.g., a locked gate or security screen door, reinforced doors or windows, or human or electronic countersurveillance). Whenever possible, the SAs should take photographs of the location.
 - 6) The nature of the neighborhood and any criminal activity or potential risks in the surrounding area.

8.7.1 Operational Plan

Prior to executing a search warrant upon premises, SAs will prepare and submit an Operational Plan to the first-line supervisor. In addition to completing the required fields for the Operational Plan, the SAs may wish to attach photographs of the key suspects, photographs of the location, and maps showing the location, staging location, route of approach, the location of a rally point where SAs can meet if they need to leave the warrant location for safety or other reasons, and the location of any emergency facilities such as hospitals.

In some offices, SAs may be required to submit the Operational Plan to the supervisor of the local HSI Special Response Team (SRT) so that the supervisor may assess the need for SRT assistance. Even if not required to do so, SAs may wish to request the assistance of the SRT if the search warrant involves violent offenders or other significant risks to officer safety. For detailed guidance on procedures for requesting the use of SRT and circumstances that may warrant the use of the SRT, SAs should refer to the Special Response Team Handbook (OI HB 06-001, dated November 20, 2005, or as updated).

8.7.2 Personnel Assignments

In preparing the Operational Plan, SAs should give advance consideration to personnel assignments. The case agent should assign a team leader to coordinate the entire search warrant execution. Ideally, the team leader should be an SA other than the criminal case agent and/or affiant, since the criminal case agent may be occupied with other issues, such as communicating with the AUSA, responding to questions concerning evidence, or interviewing suspects found at the location.

In conjunction with the team leader, the case agent should assign personnel for both of the two main phases of the search warrant execution: 1) making entry and securing the premises; and 2) conducting a search for evidence. (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

Typically, the phase involving the search for evidence will require an SA to take photographs and make a photographic log, an SA to make a video recording, an SA to make a diagram or sketch of the premises, an evidence recorder and custodian, SAs to conduct the search itself, and any necessary experts (e.g., a Computer Forensics Agent (CFA) or a CBP Canine Enforcement Officer). If necessary, one SA may assume multiple responsibilities. At a minimum, however, it is recommended that the SA who acts as the evidence recorder and custodian not be assigned to search for evidence.

8.7.3 State and Local Law Enforcement Notification/Participation

Prior to executing the search warrant, SAs may wish to consider enlisting the aid of state or local police. Because neighbors are familiar with the uniform and authority of the local police, the addition of a police “marked unit” can enhance perimeter security and help to avoid potential officer safety issues. Unless there is some compelling reason not to do so, SAs should, at a minimum, advise the appropriate local police commander in advance of the warrant. If children or pets will be present at a residence, the case agent may also wish to give advance notice to the appropriate child welfare services agency or to the local animal control agency.

8.7.4 Pre-Execution Briefing

Prior to executing a search warrant, the criminal case agent and team leader should conduct a briefing of all personnel who will be involved in the execution of the search warrant. The briefing should provide a brief background of the investigation, the purpose for the search warrant, personnel assignments and responsibilities, and any risks or special circumstances that might be encountered during the warrant’s execution. SAs taking part in the briefing should take note of the SAs and other law enforcement personnel who are present. For reasons of officer safety, anyone who is not present at the briefing should not participate in the execution of the warrant. A copy of the Operational Plan should be made available to each participating SA and other law enforcement personnel. Each participating SA or other law enforcement officer should also read a copy of the search warrant to ensure that none of the SAs exceed the scope of the search authorized by the warrant.

8.7.5 Notification of the National Law Enforcement Communications Center

The criminal case agent should notify the National Law Enforcement Communications Center (NLECC) of the planned warrant execution and should send a copy of the Operational Plan to the NLECC via fax or email.

8.8 Executing a Search Warrant

Unless the warrant specifically authorizes nighttime service, SAs must initiate the execution of a search warrant between the hours of 6:00 A.M. and 10:00 P.M. local time. The team leader must note the exact date and time when the warrant is executed. This date and time must be entered on the warrant prior to return and receipt (*see* Section 8.9).

Unless an exception is specifically granted in the warrant, SAs must knock and announce prior to entering the premises. In announcing, the SAs must state their identity and purpose (e.g., “Federal agents with a search warrant! Open the door!”). According to 18 U.S.C. § 3109, SAs may force entry into the premises if they are “refused admittance.” While there is no precise definition of “refused admittance,” SAs should wait a reasonable amount of time for an occupant to open the door voluntarily. The amount of time depends, among other things, on the size of the building, the ease with which the suspected evidence may be destroyed, the time of day, and the age or physical condition of the occupant.

No one has the right to resist the execution of a search warrant. Challenges to the validity of the warrant – even by an occupant’s legal counsel – should take place after the execution of the search warrant and should be directed to the appropriate AUSA.

In accordance with their training, SAs will conduct a sweep of the premises during which they will secure any persons or weapons that they encounter. Prior to the execution of the warrant, the case agent, team leader, and appropriate Group Supervisor should determine how the occupants of the premises will be secured in light of the criminal violations and circumstances of the particular search warrant. In cases where the SAs have reasonable suspicion to believe that occupants of the premises may pose a threat to officer safety, it is recommended that the occupants be searched for weapons, handcuffed, and directed to a central location in the house or building, where they will be placed under guard while the SAs conduct the search.

Once they have been secured, the team leader should ensure that the premises are photographed. It is recommended that SAs also make a video recording of the premises both before and after the search for evidence. This serves two purposes: 1) to record the state of the property for evidentiary purposes; and 2) to defend the SAs against allegations of property damage or misconduct.

It is recommended that SAs physically label each room by letter or number and note the labels on a corresponding sketch or diagram. This will make it easier to record the location where each piece of evidence was discovered.

Since court proceedings may take place months or even years after the search warrant, SAs may wish to make a written record of which SAs searched which rooms or areas. An easy method is to have each SA sign the label of any room he or she helped search. As they discover evidence or contraband within the scope of the search warrant, SAs should ensure that it is photographed in place prior to its processing by the evidence handler/custodian. To avoid courtroom challenges or allegations of wrongdoing, SAs assigned to search for evidence should not search a room or area by themselves.

8.8.1 What May Be Searched

A search warrant restricts the search to the places described in the warrant. It also restricts the search based on the types of items authorized for seizure. SAs may search only those areas where the items described in the warrant could reasonably be concealed. The following areas may be included in the execution of a search warrant:

- A. Premises, Outbuildings, and Curtilage. The SAs may search all buildings and objects within the curtilage, even if they are not mentioned specifically in the search warrant. The best practice, however, is to mention all known buildings or items in the warrant.
- B. Vehicles Located on the Curtilage. SAs may search any vehicles parked on the curtilage of the premises if they appear to be owned by or under the control and dominion of the premises' owner or occupier(s), even if they are not specifically listed in the warrant. SAs may not search vehicles belonging to others. The best practice is to list anticipated vehicles in the search warrant.
- C. Containers. Generally, SAs may search any container that might hold evidence specified in the search warrant. The exception to this rule is that SAs may not search an item in the personal possession of a casual visitor to the premises.
- D. Incoming Telephone Calls. SAs may answer a ringing telephone if they are lawfully on the premises executing a search warrant. They need not identify themselves as law enforcement officers to the caller. Any evidence acquired from the phone call will be admissible against the defendant.
- E. Electronic Media/Computers. If specified in the warrant, SAs may search computers or other electronic media for evidence. SAs should contact their local computer forensics group in advance of the warrant execution and enlist the aid of a CFA when conducting a search of any computers or electronic media.

While the execution of a search warrant must be initiated during the hours specified in the warrant (ordinarily between 6:00 A.M. and 10:00 P.M. local time), there is no set time limit for the duration of a search warrant execution. SAs may remain on the premises for as long as necessary to conduct their search. SAs must stop searching, however, once they have conducted a thorough search for all the items described in the search warrant.

8.8.2 Inventory and Receipt

Once the search has been conducted, the evidence custodian/handler should complete an inventory of any property seized from the premises. According to Rule 41(f)(1)(B) of the FRCP, this inventory must be completed in the presence of another SA and the person from whom the property is seized. If another SA or the person whose property is being seized is not present, the SA may prepare the inventory in the presence of at least one other law enforcement officer. When possible, SAs should notify their local Seized Property Specialist (SPS) in

advance of the search warrant execution and enlist the aid of the SPS in the proper collection, documentation, transport, and storage of all property seized from the premises.

SAs need not show a copy of the warrant to the occupants of the premises prior to or during the execution of the search warrant. Once the search has been completed, however, the SAs must leave a copy of the warrant and the inventory of seized property with the owner or occupier of the premises. In the absence of any responsible party, the SAs may simply leave a copy at the premises.

If the owner or occupier of the premises is not present or is arrested during the execution of the search warrant, SAs should take steps to secure the premises before leaving, especially if the execution of the warrant required a forced entry.

8.9 Return of the Search Warrant

The search warrant will designate the judge or magistrate to whom it should be returned. Usually, this will be the issuing magistrate. The FRCrP requires that the executed warrant and inventory of seized property be returned “promptly” to the issuing judge or magistrate. While the rules provide no definition of “promptly,” SAs should return the search warrant as soon as possible.

Following the execution of the search warrant, the criminal case agent or team leader must document the warrant in a detailed Report of Investigation (ROI). Evidence and contraband seized during the execution of the search warrant shall be handled in accordance with policies and procedures outlined in the SAMEPII and HSI policies on evidence.

8.10 Post-Execution Debriefing

When possible, the team leader or criminal case agent should conduct a debriefing of all personnel involved in the execution of the search warrant. Purposes for a search warrant debriefing include, but are not limited to: (1) providing a recapitulation of the warrant entry and search to ensure that the warrant was properly executed; (2) bringing to the criminal case SA’s attention any witness or suspect statements, leads, or other observations by team members that may have an impact on the investigation; and (3) reviewing the positive and negative aspects of the warrant execution with an eye toward future improvement.

8.11 Civil Search Warrants

In some cases where no criminal violation exists or where the criminal violation fails to meet local prosecution guidelines, SAs may pursue their investigations through civil search warrants.

8.11.1 Customs Search Warrants

19 U.S.C. § 1595 provides that SAs who have probable cause to believe that merchandise upon which duties have not been paid or merchandise that has been brought into the United States contrary to law, or evidence of a violation involving customs fraud or any other law enforced or

administered by CBP and/or ICE is located in any dwelling, store, or other building, may obtain a customs civil search warrant by applying, under oath, to any justice of the peace; to any municipal, county, state, or federal judge; or to any federal magistrate. Prior to submitting the affidavit to a judge or magistrate, SAs should consult with the local OCC.

It is important to note the distinction between a search warrant issued pursuant to 19 U.S.C. § 1595 and a search warrant issued pursuant to Rule 41 of the FRCrP. A customs search warrant is directed toward imported merchandise upon which no duty was paid or merchandise that has been imported contrary to law; the violation of a specific criminal law need not be cited to obtain the civil search warrant.

Some examples of situations where the 19 U.S.C. § 1595 warrant might be used are:

A.	(b)(7)(E)
B.	
C.	

8.11.2 Civil/Administrative Search Warrants Under the Immigration and Nationality Act

In those immigration-related enforcement operations where consent is not an option and no criminal prosecution is contemplated, SAs may use civil warrants to effect entry. An administrative warrant may not be used, however, as a pretext to gather evidence for a criminal prosecution. Since such administrative search warrants were sanctioned in the court cases *Blackie's House of Beef, Inc. v. Castillo*, 659 F.2d 1211 (D.C. Cir. 1981) and *Marshall v. Barlow's, Inc.*, 436 U.S. 307 (1978), immigration civil warrants are often referred to as "*Blackie's Warrants*" and "*Barlow's Warrants*."

8.11.3 *Blackie's Warrants*

The right for SAs to enter commercial premises, pursuant to a *Blackie's* warrant, for the purposes of searching out a suspected violation of the immigration laws derives from the agency's general statutory power to seek out and question suspected illegal aliens. The major advantage of the

Blackie's warrant is that there is no need to specifically name the aliens being sought. Rather, the *Blackie's* warrant and accompanying affidavit need only set forth a plausible basis for believing that there are unnamed illegal aliens present at the location to be searched. Even though there is a relaxed requirement to name or provide a particularized description of the individuals being sought, the *Blackie's* warrant must describe with specificity the places to be searched and time and scope of the search.

For a magistrate to issue a *Blackie's* type warrant, the SA should submit an affidavit specifying the places to be entered and the date, time, and scope of the inspection. The affidavit should conform to the same general standards as a criminal search warrant except that it need not particularly describe the evidence to be seized (the specific names of the illegal aliens believed to be present). Instead, the affidavit should contain sufficient information to permit a magistrate to find probable cause to believe that aliens who are illegally in the United States will be found on the premises.

SAs should be cautioned that *Blackie's* warrants may not be used to enter residential premises. (See *Illinois Migrant Council v. Pilliod*, 531 F. Supp. 1011 (N.D. Ill. 1982).)

8.11.4 *Barlow's* Warrants

Barlow's warrants are not specific to immigration violations. The Supreme Court case from which *Barlow's* warrants take their name involved an inspection under the Occupational Safety and Health Act, not the INA. They are designed for use by a federal agency which seeks entry onto premises to aid in the performance of the agency's regulatory functions.

Barlow's warrants are not based upon specific evidence of an existing violation. They may be issued on the basis of a general administrative plan and specific criteria that explain how the premises of a business fall into this general enforcement plan. A *Barlow's* warrant may be issued upon a showing that reasonable legislative or administrative standards for conducting an inspection are satisfied with respect to the establishment to be searched.

In applying for a *Barlow's* warrant, SAs must present an affidavit demonstrating: 1) that the plan was derived from a neutral source that identified the group of businesses to be inspected under the plan; 2) that the plan is consistent with the agency's mission; 3) the specific criteria used in the plan and the fact that they are neutral to the business to be inspected; and 4) that the particular business falls within the plan. A *Barlow's* warrant may be useful in the investigation of an employer (worksite enforcement investigation) under Section 274A of the INA.

Chapter 9. SEARCHES WITHOUT A WARRANT

The courts have repeatedly emphasized that a search without prior judicial approval is always unreasonable unless it falls within a select group of special circumstances. This Chapter discusses those circumstances, with the exception of the border search, which will be covered in Chapter 10.

Although the following sets of circumstances may excuse SAs from the warrant requirement of the Fourth Amendment, it is important to note that there is no exception to the reasonableness requirement of the Fourth Amendment. In all searches, the courts will judge whether the intrusion, both at its inception and in its scope, was justified by a legitimate law enforcement interest.

9.1 Search Incident to Arrest

The purpose of a search incident to arrest is to protect the arresting SAs, prevent the destruction of evidence, and find specific evidence relating to the crime for which the arrest was made.

An SA may conduct a warrantless search incident to a lawful physical arrest when the following two requirements have been met. First, there must be a lawful arrest, with or without an arrest warrant. Second, the search must take place at substantially the same time as the arrest. In judging whether or not a search and arrest took place contemporaneously, the court will consider the totality of the circumstances, including: 1) where the search was conducted; 2) when the search was conducted in relation to the arrest; and 3) whether the defendant was present during the search of a vehicle or other container within his or her control at the time of the arrest.

During a search incident to arrest, SAs may search the arrestee's person, including anything worn by the arrestee. The search may be conducted at the place of the arrest or as part of booking procedures at the SAs' office, a port of entry (POE), or a detention facility.

To go beyond a standard personal search and perform a strip search, SAs must have reasonable suspicion that a weapon or evidence is concealed on the body. Only medical personnel may perform a body cavity search; in order to request such a search, SAs must have a reasonable basis to believe that the arrestee is concealing contraband inside his or her body.

SAs may also search anything within the immediate control of the arrestee. This includes the arrestee's wallet, purse, briefcase, and any other property carried by the arrestee at the time of the arrest, whether locked or unlocked. It also includes any property within lunging distance of the arrestee in which the arrestee could have hidden a weapon or other destructible evidence at the time of the arrest.

In *Arizona v. Gant*, 556 U.S. 332 (2009), the Supreme Court held that SAs may justify a search incident to arrest of a vehicle's passenger compartment under two conditions: (1) it was reasonable to believe that the arrestee might have been able to access the vehicle during a search incident to arrest; or (2) there was a reasonable belief that evidence of the underlying crime might be found in the passenger compartment at the time of the search. Since SAs should restrain all arrestees so that they cannot interfere with a search incident to arrest, it is unlikely that the first condition will ever be satisfied. The practical effect of this decision, therefore, is that SAs must be prepared to articulate how and why their search of a vehicle incident to an arrest was intended to retrieve evidence of the related criminal violation. SAs may not search a vehicle's trunk as part of a search incident to arrest.

SAs should take care not to violate the lawful parameters of a search incident to arrest. Once an arrestee is removed from the arrest area, SAs may not return to the scene to conduct the search. SAs may not move an arrestee or allow an arrestee to roam from area to area in order to broaden the scope of the search incident to arrest.

9.2 Protective Sweep

A protective sweep is a quick, limited search of premises, most often incident to an arrest, that is conducted to protect the safety of SAs or others. SAs may conduct a protective sweep if 1) they have reasonable suspicion that a third party is present and may pose a threat to the SAs; 2) the SAs search only those areas large enough to harbor a person; and 3) the protective sweep lasts no longer than necessary to dispel the danger. Although a protective sweep's intent is to search for people, SAs may encounter evidence or contraband during a protective sweep and seize it under the plain view doctrine. Once SAs have neutralized the real or perceived danger or threat, however, they must end the sweep.

Under certain circumstances, SAs may conduct a protective sweep of premises even though the arrest occurred outside. For example, if SAs arrest an individual immediately outside a home and hear noises or see movements from within the home, they may have justification for a protective sweep of the home, particularly if the SAs have knowledge of accomplices who are still at large.

9.3 Exigent Circumstances

SAs may make warrantless searches in some cases in which emergency conditions make prior judicial approval impractical. Under these exigent circumstances, probable cause exists for the search, and SAs must act immediately to pursue a fleeing felon, prevent the imminent removal or destruction of evidence, or prevent injury or loss of life. If SAs conduct a warrantless search under an exigent circumstance, the burden is on the SAs to show that the exigency existed. As with any other type of lawful warrantless search, SAs entering premises under exigent circumstances may seize any evidence or contraband in plain view.

9.3.1 Hot Pursuit

The courts have ruled that a suspect may not defeat an arrest that has been set in motion in a public place by escaping to a private place. In order for SAs to enter a dwelling without a warrant under the hot pursuit exception: 1) the SAs must have probable cause to arrest the suspect; 2) the SAs' pursuit of the suspect must be immediate and continuous; and 3) the SAs must have probable cause to believe that the suspect is in the residence.

9.3.2 Destruction or Removal of Evidence

SAs may make a warrantless search of an area or item if they have probable cause to search and probable cause to believe that evidence is being, or will be, destroyed or removed in the time it would take the SAs to obtain a search warrant. For this exception to be valid, the SAs must have specific articulable facts relating to the imminent destruction of evidence in the given situation.

A generalized fear based on the nature of the crime or the SAs' training and experience is not enough. SAs may not deliberately cause the exigent circumstance by alerting suspects to their presence.

9.3.3 Protection or Preservation of Life

The need to protect or preserve life typically justifies actions that would otherwise violate the Fourth Amendment. To enter premises under the exigency of an emergency situation, SAs must have reasonable grounds to believe that there is an immediate need for the SAs to assist in the protection of life or property. SAs must also have a reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched. Examples of emergency situations in which the courts have permitted a warrantless search include reports of gunshots from inside a residence, a report that children had open access to controlled substances inside a residence, and a report of a woman and child in danger inside a crack house.

9.4 Consent

Consent searches may be conducted without a warrant or any level of suspicion. In cases where SAs have some evidence of illegal activity, but lack probable cause to arrest or search, a consent search may be the only means of obtaining important and reliable evidence. For a consent search to be lawful: 1) the consent must be voluntary; 2) it must be given by someone with authority over the place to be searched; and 3) the search must be limited to the scope of the consent.

9.4.1 Voluntariness of Consent

When deciding whether or not SAs obtained consent voluntarily, the courts will look at the totality of the circumstances. They will take into account the age, education, intelligence, psychological stability, and sobriety of the consenting individual. They will consider the length of any detention preceding the consent. They will examine the SAs' actions when requesting consent. For example, did the SAs make the person aware that he or she could refuse? Were weapons displayed or was force used during the events leading up to the granting of consent?

Consent may be granted verbally. In some cases, it may even be granted non-verbally. For example, SAs may knock on the door of a suspected narcotics stash house and ask the owner if they may enter. An individual who steps away from the door and gives the SAs a welcoming gesture is implicitly granting consent. However, it is a best practice in this instance to confirm the implicit gesture with (at least) verbal consent. Further, whenever possible, SAs should obtain written consent using ICE Form 73-005, "Consent to Search."

The individual granting the consent must not be coerced by explicit or implicit means. SAs may attempt to persuade an individual to consent by laying out the facts of a given situation, but the persuasion must be truthful. If SAs do not believe that they could obtain a search warrant for a property, they must not use the threat of a search warrant to induce a person to grant consent.

9.4.2 Authority to Grant Consent

SAs must obtain consent from someone with actual or apparent authority over the place to be searched. The person granting consent may be the actual owner of the property or, in the owner's absence, a co-owner or co-inhabitant who has common use of the area to be searched. Spouses may generally consent to a search of all of a couple's property. Similarly, a business partner may consent to the search of any part of a business. A minor child, given sufficient age and maturity, may consent to the search of a home in the parents' absence. Roommates may grant consent to search a mutual residence, but this consent does not apply to the personal property or exclusive spaces (e.g., bedroom) of the other roommate. Landlords may not consent to the search of a tenant's premises unless the tenant has vacated or abandoned the property.

Even if SAs obtain the consent of one person with authority over a place to be searched, they may not proceed if another person with authority objects to the search. The only exception to this rule involves minor children. A parent may grant consent for the search of an entire home, regardless of the objections of minor children.

9.4.3 Scope of Consent

An individual who grants consent for SAs to search his or her property may limit the scope of the consent to certain areas. The individual may also exempt certain areas or items from the scope of the consent, making some areas "off-limits" to SAs. Individuals may revoke consent at any time.

In seeking written consent, SAs should use the appropriate space on ICE Form 73-005, "Consent to Search," to describe the property to be searched and any limitations placed on the search. SAs should also seek the reasonable assistance of the person granting consent before opening any locked containers or risking damage to any property.

9.5 Mobile Conveyance Search

First recognized by the Supreme Court in the 1925 case, *Carroll v. United States*, the "Carroll Doctrine" permits SAs to conduct a warrantless search of a vehicle located in a public place. Under the "Carroll Doctrine," SAs may perform a warrantless search of a vehicle under two conditions: 1) the SAs must have probable cause to believe that evidence of a crime or contraband is located within the vehicle; and 2) the vehicle must be "readily mobile." Readily mobile means that it must be operational at the time of the search. It need not be in motion or even occupied at the time of the search.

If the two necessary conditions are met, SAs may search the vehicle in its entirety. This includes the trunk and any locked or unlocked containers. The scope of the search must correspond, however, to the object of the search. In other words, if SAs have probable cause to believe that the vehicle contains an illegal shotgun, they may not look inside the glove compartment. SAs may search the possessions of a passenger in the vehicle even if the probable cause relates only to the driver.

The rationale behind the “*Carroll Doctrine*” is that the inherent mobility of vehicles makes it impractical to obtain a warrant, since, while the SAs obtained a warrant, the vehicle could be moved to another location unknown to the SAs or outside the jurisdiction of the court. However, if SAs develop probable cause sufficiently in advance of the search, the best practice is to seek a warrant, despite the applicability of this exception.

9.6 Inventories

Case law recognizes the right of SAs to conduct routine non-investigative inventories of vehicles and other property lawfully within government custody. SAs, therefore, may conduct warrantless inventory searches of vehicles or other property when the purpose is to protect SAs and others from potential danger or hazardous materials, to protect the owner’s property while it is in government custody, or to protect SAs against claims or disputes over lost or stolen property.

SAs may conduct inventory searches under three basic conditions: 1) SAs have a lawful basis for taking custody of the property; 2) the inventory is based on standard non-investigative criteria, *i.e.*, in adherence to agency policy (*see* Section 9.6.1); and 3) the search is limited to locating valuables for storage or to secure dangerous items.

An inventory search should not be used as a pretext for another type of search. The mere fact, however, that a legitimate inventory search may also benefit an investigation does not invalidate the inventory search. Furthermore, if SAs discover contraband during the course of an inventory search, the discovery may provide a probable cause rationale to continue searching the vehicle.

9.6.1 Procedures for Inventory Searches

The following guidelines form the criteria for a non-investigative inventory search by HSI SAs:

- A. SAs should conduct an inventory soon after a seizure or impoundment, although it need not be contemporaneous with an arrest, seizure, or other event resulting in lawful government possession.
- B. The inventory search must be limited to locating valuables or harmful items for storage. An inventory is not an intensive search for evidence.
- C. The conveyance or property lawfully within the SAs’ possession must be thoroughly searched, as follows:
 - 1) The interior areas of a vehicle or other conveyance, including all compartments, such as a glove compartment or trunk, must be searched; and
 - 2) Containers located within an impounded conveyance, or other property, including locked containers, must be opened and the contents inventoried.

- D. All articles not part of a conveyance and not having evidentiary value or not subject to separate forfeiture action should be removed and returned to the owner without delay. Accessories, jacks, and standard maintenance tools are considered part of the conveyance. Installed radios, stereo equipment, etc. are also part of the conveyance. The appropriate AUSA or local OCC may be consulted for advice on the status of specific items found during an inventory search.
- E. All property subject to inventory and not otherwise subject to forfeiture or other independent basis for seizure will be itemized and receipted with the notation, "taken for safekeeping subject to return to the lawful owner." If the lawful owner is not present, a copy of this receipt will be left on the premises. SAs will take appropriate measures to return such property to the lawful owner or his or her designee as soon as possible.
- F. Where property found in the inventory search belongs to a person who has been placed under arrest, the SAs should request that the arrestee designate someone to take possession. SAs should not release any property in this manner without the written consent of the arrestee. A routine inventory search of an arrestee can also be lawfully made at the time the arrestee is booked.

9.7 Detector Dog Screenings

SAs may enlist the aid of other law enforcement agency canine enforcement officers, including CBP's, to use dogs to sniff the outside of vehicles or other property in a public place. Generally, such a canine search is not a "search" under the Fourth Amendment and requires no warrant or probable cause. Furthermore, a positive alert by the qualified canine constitutes sufficient probable cause to support an additional search or seizure.

If SAs need to detain people or property, such as a vehicle or luggage, in order to request a canine screening, they may do so by means of an investigative detention. Such a detention requires reasonable suspicion, as discussed in Section 6.3.

SAs may not use canines in areas where an individual has a heightened expectation of privacy without reasonable suspicion or an applicable exception to the warrant requirement. Such areas include the body, clothing worn by a person, or personal property while it is being worn or held in the physical possession of a person. SAs may not use canines to sniff dwellings or the curtilage of a dwelling without a search warrant or consent.

9.8 Regulatory Searches

A regulatory search is the warrantless inspection of licensees, businesses, or other activities where the government has a regulatory authority and is conducting the inspection based on a general regulatory scheme. The inspection of foreign trade zones by CBP officers is one example of a regulatory search. Vessel document checks by CBP officers or SAs assigned to a marine smuggling group are another example.

Airport security checks by the Transportation Security Administration (TSA) are regulatory searches. They are permissible without a warrant or probable cause, because the purpose of the checks is to ensure the safety of air traffic by finding weapons or other dangerous materials. Only TSA officials can conduct the checks.

The important thing that SAs must be aware of when dealing with regulatory searches is that they may not use a regulatory search as a pretext to conduct a criminal investigative search. SAs may, however, use any evidence discovered independently by TSA or another government agency during a routine regulatory search.

9.9 Administrative Searches

Certain types of administrative searches are allowed as exceptions to the warrant requirement under the Fourth Amendment. The one that is most relevant to SAs is an administrative search of a government employee's workspace. Although employees have a limited REP in their personal workspaces, such as a file cabinet or desk drawer, a warrantless search of an employee's workspace is authorized under two conditions: 1) the search is for a routine, work-related purpose, such as retrieving a file in an employee's absence; or 2) the search is conducted by a supervisor with reasonable suspicion that the search will reveal evidence of employee misconduct. In the second case, the misconduct must be of an administrative nature. An investigation into criminal misconduct requires probable cause and a search warrant.

Chapter 10. CUSTOMS BORDER SEARCH AUTHORITY

The Supreme Court has long recognized the right of the government to conduct searches and seizures at the borders of the United States without probable cause or a warrant. The reasons given for this authority are protection of the revenue through the collection of duty, reduced expectation of privacy at the border, and national self-protection against the introduction of prohibited, hazardous, or dangerous merchandise.

Note: The terms "customs officer" and "customs border search" predate the creation of DHS and ICE and are codified in Title 19 of the U.S. Code. Although the U.S. Customs Service (USCS) no longer exists, "customs" is used in this chapter to draw a distinction between the ICE SA's customs authority under Title 19 and the SA's border authority under the INA, which is discussed in Chapter 11.

10.1 Customs Border Search

A customs border search is 1) performed by a customs officer 2) searching for merchandise 3) at the border.

10.2 Customs Officer

A customs officer is:

- A. An ICE SA.
- B. A CBP officer.
- C. A U.S. Coast Guard petty officer (grade E4 and above).
- D. Other law enforcement officers who have been formally cross-designated by the Secretary of Homeland Security or designee.

Pursuant to 19 U.S.C. § 507, SAs may demand assistance from any person when necessary to effect an arrest, search, or seizure. This would include border searches. The person providing assistance, however, has no independent authority to perform border searches.

10.3 Merchandise

Under 19 U.S.C. § 1401(c), merchandise is defined as “goods, wares, and chattels of every description” (*see* Section 3.29). (A chattel is any movable item of property, as opposed to real property.) This includes contraband and monetary instruments. Merchandise includes almost any material good, even beasts of burden and corpses.

10.4 Actual Border

As stated in Section 3.1, the actual border is defined as:

- A. The Land Border – the dividing line between the United States and Canada or Mexico.
- B. The Sea Border – 3 nautical miles from the coast of the United States; in Texas and the Gulf coast of Florida, 9 nautical miles from the coast.
- C. The Air Border – extends directly upward from the land and sea borders.

10.5 Functional Equivalent of the Border

Since in most cases it is impractical, if not impossible, for an SA to perform a search or seizure at the actual border, the law allows for border searches to be conducted at the functional equivalent of the border (FEB). For an FEB to exist in an inbound customs border search situation, all of the following circumstances must exist:

- A. The SA has reasonable certainty of a border nexus. Border nexus (*see* Section 3.6) is defined as a situation in which:

- 1) Either the person or thing to be searched crossed the border, or
 - 2) The person or thing to be searched had meaningful contact with someone or something that crossed the border.
- B. The SA has reasonable certainty that no material change occurred since the border nexus. This means that any merchandise present at the time of the search was present at the time of the border nexus (i.e., there has been no opportunity to acquire domestic merchandise since the border crossing).
- C. The search occurs at the first practical detention point after the border nexus. This is not necessarily the first possible detention point. Although FEB searches usually take place at designated locations, such searches may occur anywhere in the United States where all the conditions establishing the FEB are met. The important thing that SAs must remember is that the FEB search must occur before the conveyance, cargo, or travelers enter into the general commerce of the United States.

Examples of the FEB are seaport POEs, international airport POEs, U.S. Postal Service international mail facilities, the importing hubs of express package carrier facilities, CBP bonded warehouses, and international cargo being transported in-bond.

FEB searches are not strictly limited to persons or items coming from outside the United States. If a person enters a secure customs area, such as a bonded warehouse or the Federal Inspectional Services area at an international airport; comes in contact with a person or object that has just crossed the border; or comes in contact with a conveyance that has just crossed the border, such as an arriving international aircraft, that person is subject to a border search.

10.6 Functional Equivalent of the Border Outbound

SAs may conduct searches for merchandise that is traveling from the United States to a point outside the United States. SAs use these “outbound” searches most frequently in cases involving currency reporting violations or the illegal export of arms or other sensitive technologies. For outbound customs border searches, an FEB exists under the following circumstances:

- A. The SA has reasonable certainty that there will be a border nexus.
- B. The SA has reasonable certainty that there will be no material change before a border nexus occurs (i.e., any merchandise present now will be present at the time of crossing).
- C. The search occurs at the last practical detention point before the border nexus is to occur.

When conducting an outbound border search involving travelers, SAs should attempt to establish, through questioning, the person’s intention of leaving the United States. In those outbound searches involving potential currency reporting violations, SAs should also advise the

traveler of the reporting requirements prior to conducting the border search. Legal requirements pertaining to currency reporting violations are discussed in greater detail in HSI policy on financial investigations.

10.7 Extended Border

Under some circumstances, border searches may be conducted away from the actual border or the FEB. This situation is known as the “extended border search” (*see* Section 3.16). For SAs, the most common situations involving an extended border search are controlled deliveries or cold convoys. In these situations, SAs deliberately allow contraband or other evidence of a criminal violation to pass further into the United States for investigative purposes. SAs retain their authority to conduct an extended border search of the merchandise if the following conditions apply:

- A. The SAs have reasonable certainty that there has been a border nexus.
- B. The SAs have reasonable certainty that there has been no material change since the border nexus. SAs can establish this certainty either through continuous surveillance or through surveillance accompanied by a logical argument. For example, suppose that a group of SAs loses sight of a vehicle during a cold convoy. When they regain sight of the vehicle, 10 minutes have passed and the vehicle is 12 miles further along the highway. Under all but the most extreme circumstances, SAs can reasonably infer that the vehicle had no time to stop and acquire domestic cargo during the gap in the surveillance.
- C. The SAs have reasonable suspicion of criminal activity.

A dwelling is never subject to a border search. Even if SAs follow contraband directly from the border to a residence, their authority to conduct a border search terminates at the threshold and Fourth Amendment safeguards apply.

10.8 Scope of a Customs Border Search

Although they are well recognized exceptions to the probable cause and warrant requirements of the Fourth Amendment, border searches must still be reasonable. Courts differentiate between “routine” and “non-routine” border searches. Routine border searches may be conducted without probable cause and a warrant. Non-routine border searches, such as a destructive search, require reasonable suspicion.

10.9 Personal Border Searches

When conducting a routine search of a person at the border, SAs may require that the individual remove an outer garment, such as a hat or jacket. They may also ask an individual to empty his or her pockets. SAs may search any personal effects or luggage carried by the person.

If SAs working in a border environment believe that an individual may be armed, they may conduct an immediate patdown of the individual. It may be conducted when there is reasonable suspicion that the person is armed. An immediate patdown is not a border search for merchandise, but rather a search conducted for the safety of the SAs and others. SAs should limit the immediate patdown to areas where they believe a weapon may be concealed.

Any border search beyond the scope of a routine personal search or an immediate patdown for weapons should be conducted by an SA of the same sex as the individual being searched. SAs should take care to conduct these more intensive personal searches in a private area away from the eyes of the public.

With some or mere suspicion, SAs may move a person to a private area and conduct a patdown search of an individual. As opposed to an immediate patdown for weapons, a patdown search is a search for merchandise and requires no suspicion. It may consist of one or more of the following actions:

- A. Patting the hands over the person's body.
- B. Removing the person's shoes.
- C. Lifting the pant leg or hem of a skirt a few inches.
- D. Removing a belt.
- E. Examining or reaching into pockets.
- F. Rolling up shirt sleeves.
- G. Removing a wig or hairpiece.

If, during the course of the patdown search, SAs develop reasonable suspicion that the person has merchandise concealed beneath the clothing, the SAs may conduct a partial body search. A partial body search is the removal of some of the clothing to recover an item hidden underneath. The removal of clothing should be limited to the area where the SAs believe the merchandise is hidden. The SAs should conduct a partial body search in a private area out of the public view. Unless the person refuses to cooperate, SAs should conduct the search by directing the person to remove his or her own clothing.

Any personal search related to the suspected concealment of merchandise within a person's body, i.e., x-ray or body cavity search, must be conducted by medical personnel and requires reasonable suspicion that the individual is concealing material evidence inside his or her body. In the absence of consent for an x-ray, monitored bowel movements may be conducted. All decisions regarding appropriate medical procedures for a patient are to be made by medical personnel only. CBP officers and HSI SAs neither suggest nor concur in any medical procedure.

These types of searches are performed most frequently at a POE by CBP officers, with ICE IISI SAs assisting as part of the criminal investigation. CBP must adhere to its own set of procedures and approval processes when conducting these types of personal searches. SAs should cooperate in these procedures. For more information on these types of searches, SAs should consult the CBP Personal Search Handbook (IIB 3300-04B), dated July 2004, or as updated.

SAs should be aware that, in any personal search involving a detention lasting more than 8 hours, SAs are required to contact the local USAO and obtain the concurrence of an AUSA in continuing the detention.

10.10 Customs Border Searches of Conveyances

SAs may search any vehicle in its entirety as part of a border search. This includes the interior, exterior, trunk, and any locked or unlocked containers. So long as the search is routine, it requires no suspicion on the part of the SAs. In the context of a border search, SAs may even dismantle parts of a vehicle to search for concealed merchandise with no suspicion. Any search that is destructive, however, requires reasonable suspicion on the part of the SAs that merchandise is concealed in the vehicle. Drilling holes in the bed of a truck, for example, would require reasonable suspicion on the part of the SAs.

SAs should not perform destructive searches or searches that involve the dismantling of vessels or vehicles without the assistance of a qualified mechanic. Due to safety considerations, SAs must request the assistance of a certified aviation mechanic when conducting more than a routine search of an aircraft.

10.11 Border Searches of Documents, Electronic Devices, and Electronic Media

On July 16, 2008, ICE issued ICE Directive 7-6.0 entitled, “Border Searches of Documents and Electronic Media.” On August 18, 2009, ICE issued ICE Directive 10044.1 (former number: 7-6.1), entitled, “Border Searches of Electronic Devices,” which superseded the portions of ICE Directive 7-6.0 pertaining to electronic devices. The following is a summary of the issues addressed in these directives.

10.11.1 Policy

SAs may detain, for the purpose of further review, any documents, electronic media, or electronic devices at any point during a border search. Such a detention does not require individualized suspicion. The review may occur at the location where the detention takes place or at an off-site location, including a location associated with a demand for assistance from an outside agency or entity.

If, after reviewing the documents and electronic media, SAs do not develop probable cause to seize the documents or electronic media, all detained copies of the information must be destroyed. Any originals must be returned to the traveler, importer, or exporter as expeditiously as possible.

10.11.2 Timeliness of Review

When determining the amount of time deemed to be reasonable for detaining documents, electronic media, or electronic devices, SAs should consider:

- A. The nature of the documents or electronic media;
- B. The amount of information needing review;
- C. Whether the traveler was deprived of his or her property and, if so, whether the traveler was given the option of continuing his or her journey with the understanding that HSI would return the property once its border search was complete or a copy of the documents or media could be made;
- D. The elapsed time between the detention, the initial border search, and the continued border search, including any demand for assistance;
- E. Whether assistance was sought and the type of assistance;
- F. Whether and when ICE followed up with the agency or entity providing assistance to ensure a timely review;
- G. Whether the traveler has taken affirmative steps to prevent the search of his or her property in a timely fashion; and
- H. Any unanticipated exigency that may have arisen.

For detained documents or electronic media, SAs are to complete reviews within a reasonable amount of time.

Generally, searches of electronic devices should be completed within 30 calendar days of the date of detention, unless circumstances exist that warrant more time. Such circumstances must be documented in an ROI and approved by a Group Supervisor after the first 30 days, and again every 15 calendar days thereafter.

Whenever an SA detains originals or copies of documents or electronic media, or electronic devices, the SA will initiate a chain of custody form (CBP Form 6051D) or other appropriate documentation. Additionally, all detentions must be accounted for in accordance with recordkeeping procedures outlined in the OI memorandum entitled, "Recordkeeping Procedures Regarding Detentions of Documents and Electronic Media," dated December 12, 2008, or as updated. If it is determined that the detained documents or electronic media are to be seized, the SA must also enter the seizure into the Seized Asset and Case Tracking System (SEACATS) via the completion of a SEACATS Incident Report.

When SAs receive electronic devices, or copies of information therefrom, from CBP for analysis and investigation, SAs are responsible for advising CBP of the status of any such analysis within 10 calendar days.

10.11.3 Requesting Assistance with a Documentary Search

During a border search, SAs may encounter information in documents, electronic media, or electronic devices that is in a foreign language, presents technical difficulties, or is encrypted. To determine the meaning of such information, SAs may demand translation, technical, or decryption assistance from other federal agencies or non-federal entities. SAs may seek such assistance absent individualized suspicion.

SAs may also encounter specialized information in documents or electronic media that require referral to subject matter experts to determine whether the information is relevant to the laws enforced and administered by HSI. SAs may demand such assistance when they have reasonable suspicion of activities in violation of the laws enforced by HSI.

For the purpose of obtaining subject matter expertise, SAs may create and transmit copies of information to other federal agencies or non-federal entities. Any original documents and media should be transmitted only when necessary to render the demanded assistance. If it is not necessary to transmit original documents and media, SAs should return the originals to the traveler immediately, barring continuing reasonable suspicion to detain.

It is the responsibility of the SAs demanding the assistance to ensure timely responses from assisting agencies or entities. If a demand for assistance is made outside of DIIS, the SA demanding the assistance shall contact the assisting agency or entity for a status report on the request within the first 30 days after demanding the assistance. If the assisting agency or entity anticipates needing more than 30 days to complete its review and analysis, the SAs shall continue to communicate with the assisting agency or entity on a regular basis until the review is complete and the results have been received. The SAs demanding the assistance shall document each communication with the assisting agency or entity. If assisting agencies or entities are not acting in a reasonable time, the SAs shall consult with a supervisor on what action is appropriate.

10.11.4 Sharing with Outside Agencies

When SAs determine that there is probable cause of unlawful activity, based on a review of information in documents or electronic media or on other facts and circumstances, they may seize and retain the originals and/or copies of the relevant documents or electronic media or relevant portions thereof, as authorized by law. Copies of documents or electronic media, or portions thereof, that are retained in accordance with this Section, may be shared by SAs with federal, state, local, and foreign law enforcement agencies in accordance with applicable law and policy.

10.11.5 Travel and Identification Documents

Even without any suspicion of illegality, for legitimate government purposes, SAs may copy, retain, and share 1) identification documents such as U.S. or foreign certificates of naturalization, seaman's papers, airman certificates, driver's licenses, state identification cards, and similar government identification documents; and 2) travel documents that relate to the person's mode and date of travel into or out of the United States.

10.11.6 Attorney-Client Privilege

Occasionally, an individual claims that the attorney-client privilege prevents the search of his or her information at the border. Although legal materials are not necessarily exempt from a border search, they may be subject to special handling procedures.

Correspondence, court documents, and other legal documents may be covered by attorney-client privilege. If SAs suspect that the content of such a document may constitute evidence of a crime or otherwise pertain to a determination within the jurisdiction of ICE, the SAs must seek advice from the local OCC or the appropriate USAO before conducting a search of the document.

10.11.7 Border Searches of Foreign Mail

Letters and packages carried in the possession of a traveler are not mail, whether or not they are stamped. Letters or packages carried by private delivery services, such as Federal Express or the United Parcel Service, also are not mail. If they are packages, they may be opened and searched pursuant to a routine border search. If they are documents, SAs may open them and use the procedures for documentary searches outlined in the preceding subsections of Section 10.11.

To be considered mail for border search purposes, an item must be entering or leaving the mail stream of the U.S. Postal Service from or to a foreign country. For the purposes of this Handbook, there are two categories of mail: 1) a mail article, which includes packages or other items mailed at less than first class rate of postage; or 2) letter class mail, which includes letters, cards, packages, or other items mailed at a first class or higher rate of postage.

International mail must pass through a CBP international mail facility before entering the general mail delivery stream of the U.S. Postal Service. SAs should coordinate any search of foreign mail with CBP officers working at an international mail facility. Any possible border search of letter class mail shall be coordinated with CBP officers assigned to such international mail facility and conform to guidelines set forth in the USCS International Mail Operations and Enforcement Handbook (HB 3200-06A), dated August 2001, or as updated. Additionally, the U.S. Postal Service requires that it be notified and present at any border search of letter class mail. SAs should also consult with the local OCC or the local USAO when considering a border search of any article that may be considered mail.



GANG PROJECTS BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2009	BU - BUFFALO,NY- SAC	AY - ALBANY, NY - RAC	- GANG INVESTIGATIONS	0	0	0	0	0	3
				0	0	0	0	0	3
		BU - BUFFALO,NY-SAC	- GENERAL ALIEN INVESTIGATIONS	0	0	0	0	0	1
				0	0	0	0	0	1
		BU - BUFFALO,NY-SAC - Total		0	0	0	0	0	4
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	- GANG INVESTIGATIONS	4	4	2	1	0	41
				4	4	2	1	0	41
		FU - FAYETTEVILLE, AR - RAC	- GENERAL ALIEN INVESTIGATIONS	2	2	0	0	0	0
			- GANG INVESTIGATIONS	2	1	0	0	0	1
				4	3	0	0	0	1
		NV - NASHVILLE, TN - RAC	- HUMAN SMUGGLING/TRAFFICKING	5	0	0	0	0	0
			- GENERAL ALIEN INVESTIGATIONS	2	2	2	0	0	1
				7	2	2	0	0	1
		TT - CHATTANOOGA, TN - RAC	- GENERAL ALIEN INVESTIGATIONS	0	0	0	0	0	4
			- GANG INVESTIGATIONS	1	3	3	0	0	2
				1	3	3	0	0	6
		NO - NEW ORLEANS, LA - SAC - Total		16	12	7	1	0	49
	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC	- DRUG SMUGGLING	5	2	2	2	0	1
				5	2	2	2	0	1
		LI - LONG ISLAND, NY -	- GENERAL ALIEN INVESTIGATIONS	0	0	1	0	0	0

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Page 1 of 15

~~HOMELAND SECURITY INVESTIGATIONS~~
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GANG PROJECTS BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2009	NY - NEW YORK, NY - SAC	ASAC	- GANG INVESTIGATIONS	8	9	3	2	0	16
				8	9	4	2	0	16
		LL - CASTLE POINT, NY - RAC	- GENERAL ALIEN INVESTIGATIONS	1	0	0	0	0	3
			(b) (7) (E) - OTHER CRIMINAL	1	0	0	0	0	3
		NY - NEW YORK, NY - SAC	- GENERAL ALIEN INVESTIGATIONS	4	3	1	2	0	5
			- DOCUMENT FRAUD	9	5	19	0	0	2
			- GANG INVESTIGATIONS	2	0	0	0	0	0
				4	3	1	2	0	6
				19	11	21	4	0	13
				33	22	27	8	0	33
				49	34	34	9	0	86
NY - NEW YORK, NY - SAC - Total									
2009 - Total									

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Page 2 of 15

~~HOMELAND SECURITY INVESTIGATIONS~~
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GANG PROJECTS BU, NO, NY
ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2010	BU - BUFFALO,NY- SAC	BU - BUFFALO,NY-SAC	(b) - OTHER CRIMINAL	2	0	0	0	0	0
				2	0	0	0	0	0
		BU - BUFFALO,NY-SAC - Total		2	0	0	0	0	0
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	- GENERAL ALIEN INVESTIGATIONS	1	1	0	0	0	1
			- DOCUMENT FRAUD	0	0	0	1	0	0
			- GANG INVESTIGATIONS	12	6	9	7	0	93
				13	7	9	8	0	94
		FU - FAYETTEVILLE, AR - RAC	- GENERAL ALIEN INVESTIGATIONS	1	1	2	0	0	0
			- GANG INVESTIGATIONS	1	1	3	0	0	0
				2	2	5	0	0	0
		GU - GULFPORT, MS - RAC	- ILLEGAL EXPORTS	1	0	0	2	0	2
			(b) -	1	0	0	2	0	2
		LR - LITTLE ROCK, AR - RA	(7) -						
			(E) - GENERAL ALIEN INVESTIGATIONS	0	0	0	0	0	2
				0	0	0	0	0	2
		ME - MEMPHIS, TN - ASAC	- GANG INVESTIGATIONS	1	3	2	1	0	26
				1	3	2	1	0	26
		MO - MOBILE, AL - ASAC	- GANG INVESTIGATIONS	1	1	0	1	0	1
				1	1	0	1	0	1
		NO - NEW ORLEANS, LA - SAC	- DOCUMENT FRAUD	1	2	2	1	0	0
			- GANG INVESTIGATIONS	0	0	0	0	0	24

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Page 3 of 15

HOMELAND SECURITY INVESTIGATIONS
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GANG PROJECTS BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2010	NO - NEW ORLEANS, LA - SAC	NV - NASHVILLE, TN - RAC	- HUMAN SMUGGLING/TRAFFICKING	1	2	2	1	0	24
			- GENERAL ALIEN INVESTIGATIONS	10	30	0	6	0	2
				4	3	1	1	0	23
				14	33	1	7	0	25
		SH - SHREVEPORT, LA - RAC	- GENERAL ALIEN INVESTIGATIONS	0	1	1	0	0	0
				0	1	1	0	0	0
		TT - CHATTANOOGA, TN - RAC	- GENERAL ALIEN INVESTIGATIONS	0	0	0	0	0	1
			- GANG INVESTIGATIONS	0	1	0	0	0	0
				0	1	0	0	0	1
	NO - NEW ORLEANS, LA - SAC - Total	(b) (7) (E)		33	50	20	20	0	175
	NY - NEW YORK, NY - SAC	LI - LONG ISLAND, NY - ASAC	- FOREIGN/DOMESTIC OPERATION	0	0	1	0	0	0
			- GENERAL ALIEN INVESTIGATIONS	0	0	1	0	0	0
			- GANG INVESTIGATIONS	56	21	16	5	0	26
				56	21	18	5	0	26
		LL - CASTLE POINT, NY - RAC	- GANG INVESTIGATIONS	80	83	0	4	0	7
				80	83	0	4	0	7
		NY - NEW YORK, NY - SAC	- OTHER CRIMINAL	4	4	16	2	0	0
			- HUMAN SMUGGLING/TRAFFICKING	0	0	0	3	0	1
			- GENERAL ALIEN INVESTIGATIONS	2	0	7	0	0	0

(b)(7)(E)

Page 4 of 15

HOMELAND SECURITY INVESTIGATIONS FOR OFFICIAL USE ONLY

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GANG PROJECTS BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2010	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC	(b)(7)(E) DOCUMENT FRAUD	0	0	0	12	0	0
			(b)(7)(E) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	1	0	0	1	1	16
			(b)(7)(E) GANG INVESTIGATIONS	67	13	13	7	0	37
				74	17	36	25	1	54
		NY - NEW YORK, NY - SAC - Total		210	121	54	34	1	87
		2010 - Total		245	171	74	54	1	262

(b)(7)(E)

Page 5 of 15

~~HOMELAND SECURITY INVESTIGATIONS~~ ~~FOR OFFICIAL USE ONLY~~

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GANG PROJECTS BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2011	BU - BUFFALO, NY - SAC	AY - ALBANY, NY - RAC	(b) GENERAL ALIEN INVESTIGATIONS	1	0	0	0	0	0
				1	0	0	0	0	0
		BU - BUFFALO, NY - SAC	(b) GENERAL ALIEN INVESTIGATIONS	0	0	0	0	0	1
			(7) GANG INVESTIGATIONS	7	1	1	5	2	1
				7	1	1	5	2	2
		BU - BUFFALO, NY - SAC - Total		8	1	1	5	2	2
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	- ILLEGAL EXPORTS	1	2	1	3	0	1
			- GENERAL ALIEN INVESTIGATIONS	8	2	3	0	0	41
			- GANG INVESTIGATIONS	5	2	5	1	0	15
				14	6	9	4	0	57
		FU - FAYETTEVILLE, AR - RAC	(b) - DRUG SMUGGLING	7	6	2	2	0	9
			(b) - GENERAL ALIEN INVESTIGATIONS	0	0	1	0	0	0
			(7) - GANG INVESTIGATIONS	14	13	4	0	0	6
				21	19	7	2	0	15
		GU - GULFPORT, MS - RAC	(E) - ILLEGAL EXPORTS	1	2	2	0	1	0
				1	2	2	0	1	0
		LC - LAKE CHARLES, LA - RAC	- DRUG SMUGGLING	1	1	0	2	0	0
			- GENERAL ALIEN INVESTIGATIONS	1	1	0	0	0	1
				2	2	0	2	0	1
		LF - LAFAYETTE, LA - RAC	- GANG INVESTIGATIONS	0	0	0	0	0	1
				0	0	0	0	0	1

(b)(7)(E)

Page 6 of 15

~~HOMELAND SECURITY INVESTIGATIONS~~ ~~FOR OFFICIAL USE ONLY~~

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GANG PROJECTS BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2011	NO - NEW ORLEANS, LA - SAC	LR - LITTLE ROCK, AR - RA	MUNITIONS CONTROL	2	1	0	0	0	0
				2	1	0	0	0	0
		ME - MEMPHIS, TN - ASAC	GANG INVESTIGATIONS	12	11	2	4	0	6
				12	11	2	4	0	6
		MO - MOBILE, AL - ASAC	GENERAL ALIEN INVESTIGATIONS	1	1	1	0	0	0
			GANG INVESTIGATIONS	2	0	1	0	0	0
				3	1	2	0	0	0
		NO - NEW ORLEANS, LA - SAC	GANG INVESTIGATIONS	0	0	0	0	0	12
				0	0	0	0	0	12
		NV - NASHVILLE, TN - RAC	HUMAN SMUGGLING/TRAFFICKING	0	7	1	0	2	0
			GENERAL ALIEN INVESTIGATIONS	5	1	3	1	0	5
				5	8	4	1	2	5
		TT - CHATTANOOGA, TN - RAC	GANG INVESTIGATIONS	19	13	12	0	0	2
				19	13	12	0	0	2
		TX - TEXARKANA, AR - RA	DRUG SMUGGLING	1	0	0	2	0	0
			GENERAL ALIEN INVESTIGATIONS	0	0	0	0	0	1
			GANG INVESTIGATIONS	3	5	4	2	1	5
				4	5	4	4	1	6
				83	68	42	17	4	105
		NO - NEW ORLEANS, LA - SAC - Total							

(b)(7)(E)

Page 7 of 15

HOMELAND SECURITY INVESTIGATIONS
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Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2012	BU - BUFFALO,NY- SAC	AY - ALBANY, NY - RAC	5 - DRUG SMUGGLING	4	2	0	4	4	0
				4	2	0	4	4	0
		BU - BUFFALO,NY-SAC	5 - GANG INVESTIGATIONS	40	45	7	0	2	3
				40	45	7	0	2	3
		RP - ROUSES POINT - RAC	2 - FINANCIAL INVESTIGATIONS	1	2	0	2	0	0
				1	2	0	2	0	0
		BU - BUFFALO,NY-SAC - Total		45	49	7	6	6	3
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	6 - FINANCIAL INVESTIGATIONS	0	0	0	2	0	0
			5 - OTHER CRIMINAL	1	1	1	0	0	0
			7 - HUMAN SMUGGLING/TRAFFICKING	1	1	1	0	0	1
			5 - GENERAL ALIEN INVESTIGATIONS	0	0	0	0	0	1
			5 - COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	1
			5 - GANG INVESTIGATIONS	8	5	4	3	0	47
				10	7	6	5	0	50
		FU - FAYETTEVILLE, AR - RAC	5 - DRUG SMUGGLING	7	9	4	6	5	4
			5 - GANG INVESTIGATIONS	0	0	3	0	0	0
				7	9	7	6	5	4
		KI - KNOXVILLE, TN - RAC	5 - GANG INVESTIGATIONS	2	2	1	0	0	1
				2	2	1	0	0	1

(b)(7)(E)

Page 9 of 15

~~HOMELAND SECURITY INVESTIGATIONS
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GANG PROJECTS BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2012	NO - NEW ORLEANS, LA - SAC	LC - LAKE CHARLES, LA - RAC	(b) (7) (E)) GENERAL ALIEN INVESTIGATIONS	0	0	1	0	0	0
				0	0	1	0	0	0
		LF - LAFAYETTE, LA - RAC	(b) (7) (E)) GANG INVESTIGATIONS	0	0	0	0	0	4
				0	0	0	0	0	4
		LR - LITTLE ROCK, AR - RAC	(b) (7) (E)) MUNITIONS CONTROL	0	0	2	0	0	1
				0	0	2	0	0	1
		ME - MEMPHIS, TN - ASAC	(b) (7) (E)) IDENTITY & BENEFIT FRAUD (IBF) ESTIGATIONS (ARCHIVED)	1	0	0	0	0	0
				6	1	3	0	0	2
				7	1	3	0	0	2
		MO - MOBILE, AL - ASAC	(b) (7) (E)) DRUG SMUGGLING	8	10	0	27	0	0
				5	5	3	3	0	0
				13	15	3	30	0	0
		NO - NEW ORLEANS, LA - SAC	(b) (7) (E)) GENERAL ALIEN INVESTIGATIONS	0	1	1	0	0	0
				0	1	1	0	0	0
		NV - NASHVILLE, TN - RAC	(b) (7) (E)) HUMAN SMUGGLING/TRAFFICKING	3	6	8	0	3	1
				1	2	2	0	0	0
				4	8	10	0	3	1
		SH - SHREVEPORT, LA - RAC	(b) (7) (E)) HUMAN SMUGGLING/TRAFFICKING	1	1	0	0	0	0

(b)(7)(E)

Page 10 of 15

~~HOMELAND SECURITY INVESTIGATIONS
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January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2012	NO - NEW ORLEANS, LA - SAC	TT - CHATTANOOGA, TN - RAC	(b) GENERAL ALIEN INVESTIGATIONS	1	1	0	0	0	0
			(7) GANG INVESTIGATIONS	19	16	10	1	0	0
			(E) GANG INVESTIGATIONS	20	17	11	2	0	0
		TX - TEXARKANA, AR - RAC	(E) GANG INVESTIGATIONS	3	0	3	1	0	2
				3	0	3	1	0	2
				67	61	48	44	8	65
	NO - NEW ORLEANS, LA - SAC - Total								
	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC	(b) DRUG SMUGGLING	1	1	1	0	0	0
			(7) GANG INVESTIGATIONS	35	25	27	10	0	14
			(E) GANG INVESTIGATIONS	35	25	27	10	0	14
		LI - LONG ISLAND, NY - ASAC	(b) FINANCIAL INVESTIGATIONS	12	6	1	0	0	0
			(7) GANG INVESTIGATIONS	70	73	66	1	0	16
			(E) FINANCIAL INVESTIGATIONS	82	79	67	1	0	16
		LL - CASTLE POINT, NY - RAC	(b) HUMAN SMUGGLING/TRAFFICKING	18	16	0	0	0	2
			(7) HUMAN SMUGGLING/TRAFFICKING	26	33	7	21	0	4
			(E) GENERAL ALIEN INVESTIGATIONS	0	0	1	0	0	0
		NY - NEW YORK, NY - SAC	(b) DOCUMENT FRAUD	4	5	8	0	0	0
			(7) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION	0	1	1	0	0	0

(b)(7)(E)

Page 11 of 15

~~HOMELAND SECURITY INVESTIGATIONS~~ ~~FOR OFFICIAL USE ONLY~~

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January 20, 2009 thru December 10, 2013

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2012	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC	INVESTIGATIONS						
			(b)(7)(E) GANG INVESTIGATIONS	162	86	68	92	2	15
				210	141	85	113	2	21
		UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP	(b)(7)(E) HUMAN SMUGGLING/TRAFFICKING	0	0	0	3	0	0
			(b)(7)(E) GANG INVESTIGATIONS	0	0	0	1	0	0
				0	0	0	4	0	0
		NY - NEW YORK, NY - SAC - Total		328	246	180	128	2	51
2012 - Total				440	356	235	178	16	119

(b)(7)(E)

Page 12 of 15

HOMELAND SECURITY INVESTIGATIONS FOR OFFICIAL USE ONLY

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January 20, 2009 thru December 10, 2013

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2013	BU - BUFFALO,NY- SAC	AY - ALBANY, NY - RAC	(b) DRUG SMUGGLING	2	3	2	0	1	0
			(b)	2	3	2	0	1	0
		BU - BUFFALO,NY-SAC	(b) GANG INVESTIGATIONS	34	31	3	0	3	0
				34	31	3	0	3	0
		BU - BUFFALO,NY-SAC - Total		36	34	5	0	4	0
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	HUMAN SMUGGLING/TRAFFICKING	6	6	6	0	0	16
			GENERAL ALIEN INVESTIGATIONS	0	0	0	1	0	1
			GANG INVESTIGATIONS	6	6	9	3	1	7
				12	12	15	4	1	24
		BT - BATON ROUGE, LA - RA	GENERAL ALIEN INVESTIGATIONS	1	2	2	0	0	1
				1	2	2	0	0	1
		FU - FAYETTEVILLE, AR - RAC	(b)(7)(E) DRUG SMUGGLING	8	9	7	15	2	5
				8	9	7	15	2	5
		KI - KNOXVILLE, TN - RAC	GANG INVESTIGATIONS	1	0	1	0	0	0
				1	0	1	0	0	0
		ME - MEMPHIS, TN - ASAC	GANG INVESTIGATIONS	13	6	0	6	0	0
				13	6	0	6	0	0
		MO - MOBILE, AL - ASAC	DRUG SMUGGLING	1	1	3	0	5	0
			GANG INVESTIGATIONS	0	0	2	0	0	1
				1	1	5	0	5	1

(b)(7)(E)

Page 13 of 15

~~HOMELAND SECURITY INVESTIGATIONS
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Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2013	NO - NEW ORLEANS, LA - SAC	NO - NEW ORLEANS, LA - SAC	(b) (7) (E) MUNITIONS CONTROL	1	0	0	2	0	0
			GENERAL ALIEN INVESTIGATIONS	1	1	1	0	0	1
			GANG INVESTIGATIONS	12	1	0	2	0	58
				14	2	1	4	0	59
		NV - NASHVILLE, TN - RAC	HUMAN SMUGGLING/TRAFFICKING	0	0	3	0	0	0
			GENERAL ALIEN INVESTIGATIONS	0	1	1	0	0	0
				0	1	4	0	0	0
		TT - CHATTANOOGA, TN - RAC	GANG INVESTIGATIONS	1	2	3	0	0	0
				1	2	3	0	0	0
		TX - TEXARKANA, AR - RAC	GANG INVESTIGATIONS	1	0	0	2	1	0
				1	0	0	2	1	0
	NO - NEW ORLEANS, LA - SAC - Total		(b) (7) (E)	52	35	38	31	9	90
	NY - NEW YORK, NY - SAC	LI - LONG ISLAND, NY - ASAC	GANG INVESTIGATIONS	23	14	16	7	0	5
				23	14	16	7	0	5
		LL - CASTLE POINT, NY - RAC	FINANCIAL INVESTIGATIONS	7	4	5	0	0	0
			GANG INVESTIGATIONS	18	18	31	10	0	2
				25	22	36	10	0	2
		NY - NEW YORK, NY - SAC	FINANCIAL INVESTIGATIONS	21	0	0	0	0	0
			OTHER CRIMINAL	0	0	2	0	0	0
			DRUG SMUGGLING	6	2	4	4	1	0

(b)(7)(E)

Page 14 of 15

~~HOMELAND SECURITY INVESTIGATIONS~~
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GANG PROJECTS BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2013	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC	(b) HUMAN SMUGGLING/TRAFFICKING	1	0	19	3	0	0
			(7) GANG INVESTIGATIONS	66	22	49	23	2	4
			(E) FINANCIAL INVESTIGATIONS	0	0	0	3	0	0
		UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP	(E) GANG INVESTIGATIONS	0	0	0	1	0	0
				0	0	0	4	0	0
				142	60	126	51	3	11
				230	129	169	82	16	101
NY - NEW YORK, NY - SAC - Total									
2013 - Total									

(b)(7)(E)

Page 15 of 15

~~HOMELAND SECURITY INVESTIGATIONS
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13 - DRUG SMUGGLING - BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	VIOLATION CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2009	BU - BUFFALO, NY- SAC	AB - ALEXANDRIA BAY, NY - RAC	(b)(7)(E)	1	1	0	3	1	0
				0	1	1	6	0	0
				5	0	0	3	0	0
				0	3	1	5	0	0
				3	0	3	2	0	0
				9	4	5	9	1	0
		AY - ALBANY, NY - RAC		1	1	1	3	0	0
				2	1	0	1	0	0
				3	1	1	3	0	0
		BU - BUFFALO, NY-SAC		2	1	3	11	0	0
				9	6	5	2	0	0
				0	0	0	36	34	0
				0	0	0	95	0	0
				13	1	4	0	0	0
				44	31	1	23	0	0
				9	11	11	1	0	0
				23	4	3	9	0	0
				12	4	1	24	0	0
				0	0	0	23	0	0
				27	0	5	7	0	0
				13	7	11	31	0	0
				105	46	40	134	34	0
		MZ - MASSENA, NY - RAC		1	0	0	7	1	0

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January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	VIOLATION CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2009	BU - BUFFALO,NY-SAC	MZ - MASSENA, NY - RAC	(b)(7)(E)	16	0	3	3	0	0
				9	4	5	6	0	0
				26	4	8	8	1	0
		RP - ROUSES POINT - RAC		2	1	2	11	0	0
				3	0	1	0	3	0
				0	0	0	11	0	0
				5	0	0	17	0	0
				9	9	7	0	0	0
				12	7	7	32	0	0
				28	5	6	8	0	0
				0	0	0	21	0	0
				1	1	0	33	0	0
				48	17	16	59	3	0
		UK - BUFFALO ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	4	0	0
				0	0	0	4	0	0
		YR - SYRACUSE, NY - RAC		0	0	1	2	0	0
				1	2	0	0	0	0
				0	0	25	0	0	0
				1	2	26	2	0	0
	BU - BUFFALO,NY-SAC - Total				192	74	96	219	39
	NO - NEW	BI - BIRMINGHAM, AL - RAC		2	2	2	3	1	0

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13 - DRUG SMUGGLING - BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	VIOLATION CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2009	ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	(b)(7)(E)	1	0	1	3	0	0
				3	2	3	4	1	0
		BT - BATON ROUGE, LA - RA		1	1	0	2	1	0
				1	1	0	2	1	0
		FB - FT. SMITH, AR - RAC		0	0	2	4	0	0
				0	0	9	0	2	0
				0	0	10	4	2	0
		FU - FAYETTEVILLE, AR - RAC		1	0	4	0	0	7
				1	0	4	0	0	7
		GU - GULFPORT, MS - RAC		0	0	0	2	0	0
				0	0	0	2	2	0
				2	1	1	3	0	0
				7	13	9	6	0	0
				7	0	0	2	0	0
				15	13	10	10	2	0
		HU - HOUMA, LA - RAC		5	0	0	0	0	0
				5	0	0	0	0	0
		JA - JACKSON, MS - RAC		0	2	0	0	0	0
				0	2	0	0	0	0
		KI - KNOXVILLE, TN - RAC		0	2	1	0	0	0

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Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2009		KI - KNOXVILLE, TN - RAC	(b)(7)(E)	0	2	2	0	0	0
				0	2	3	0	0	0
		LC - LAKE CHARLES, LA - RAC		3	2	6	0	0	0
				0	2	6	0	0	0
				3	2	10	0	0	0
		LF - LAFAYETTE, LA - RAC		7	10	2	10	1	4
				8	0	0	5	0	0
				15	10	2	10	1	4
		LR - LITTLE ROCK, AR - RAC		0	2	0	3	1	0
				1	2	1	0	0	0
				0	0	0	5	0	0
				8	2	5	3	0	0
				4	7	0	0	0	0
				10	7	6	8	1	0
		ME - MEMPHIS, TN - ASAC		13	1	4	8	0	2
				6	2	3	0	2	0
				2	3	2	0	0	0
				1	0	0	57	0	0
				15	5	7	63	2	2
		MO - MOBILE, AL - ASAC		1	2	4	3	0	0
				1	0	3	2	0	0
				2	2	5	4	0	0

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13 - DRUG SMUGGLING - BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2009		NO - NEW ORLEANS, LA - SAC	(b)(7)(E)	0	0	0	2	0	0
				8	3	0	3	0	0
				0	0	0	0	3	0
				8	3	0	3	3	0
		NV - NASHVILLE, TN - RAC		10	12	0	0	0	0
				5	0	1	5	3	0
				0	0	0	7	0	0
				15	12	1	8	3	0
		SH - SHREVEPORT, LA - RAC		1	1	2	0	0	0
				3	0	0	2	0	0
				4	1	2	2	0	0
		TX - TEXARKANA, AR - RAC		2	0	0	2	0	0
				2	0	0	2	0	0
		NO - NEW ORLEANS, LA - SAC - Total		99	62	63	120	16	13
		NY - NEW YORK, JK - JFK AIRPORT, NY - ASAC		2	7	15	6	0	4
		NY - SAC		0	1	1	11	0	0
				2	2	1	7	3	0
				1	5	3	0	0	0
				0	0	0	12	0	0
				0	0	0	17	0	0
				9	15	12	2	0	0
				9	19	10	5	0	0

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13 - DRUG SMUGGLING - BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2009	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC	(b)(7)(E)	54	47	63	26	0	0
				1	0	1	205	0	0
				121	113	126	225	0	0
				188	172	210	236	3	4
		LI - LONG ISLAND, NY - ASAC		1	1	2	3	0	0
				0	0	0	3	0	0
				0	0	0	4	0	0
				1	1	2	5	0	0
		LL - CASTLE POINT, NY - RAC		0	0	0	1	0	0
				15	0	4	0	0	0
				15	0	4	1	0	0
		NY - NEW YORK, NY - SAC		13	11	6	2	0	3
				14	12	4	6	0	0
				2	4	0	8	0	0
				4	1	1	0	0	4
				0	0	0	0	0	6
				2	6	6	12	0	0
				0	0	0	0	14	0
				9	8	7	0	0	0
				10	37	9	1	0	0
				2	2	0	70	0	0
				0	0	0	55	0	0
				24	12	9	20	0	0

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13 - DRUG SMUGGLING - BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2009	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC	(b)(7)(E)	0	0	0	60	0	0	
				14	24	28	19	0	0	
				8	8	11	85	0	0	
				183	116	115	73	0	0	
				255	207	174	177	14	13	
		UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP		1	0	1	2	0	0	
				0	0	0	3	0	0	
				0	0	0	4	0	0	
				1	0	1	4	0	0	
				460	380	391	423	17	17	
NY - NEW YORK, NY - SAC - Total				751	516	550	762	72	30	
2009 - Total										

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13 - DRUG SMUGGLING - BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2010	BU - BUFFALO, NY- SAC	AB - ALEXANDRIA BAY, NY - RAC	(b)(7)(E)	0	0	5	5	1	0
				0	1	2	1	0	0
				1	1	2	2	0	0
				1	2	9	5	1	0
		AY - ALBANY, NY - RAC		0	0	0	0	1	1
				2	0	2	0	0	0
				2	0	2	0	1	1
		BU - BUFFALO, NY-SAC		8	4	4	6	0	0
				4	2	1	5	0	0
				1	2	0	0	0	0
				0	0	0	19	0	0
				0	0	0	0	10	0
				1	5	7	8	0	0
				18	3	5	0	0	0
				33	33	7	5	0	0
				2	2	1	29	0	0
				35	3	10	15	0	0
				0	0	0	29	0	0
				0	0	0	74	0	0
				2	5	6	38	0	0
				86	45	38	113	10	0
		MZ - MASSENA, NY - RAC		1	1	1	5	0	0

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January 20, 2009 thru December 10, 2013

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2010	BU - BUFFALO, NY - SAC	MZ - MASSENA, NY - RAC	(b)(7)(E)	9	1	0	5	2	0
				0	0	0	5	0	0
				22	1	4	8	0	0
				0	0	0	12	0	0
				5	5	5	0	0	0
				3	1	1	14	0	0
				40	8	11	21	2	0
		RP - ROUSES POINT - RAC		9	7	4	12	2	1
				4	2	2	2	0	0
				2	0	0	17	0	0
				0	0	0	45	0	0
				13	8	10	20	0	0
				0	0	0	26	0	0
				16	6	4	11	0	0
				4	3	1	20	0	0
				32	6	8	20	0	0
				67	27	25	75	2	1
		UK - BUFFALO ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	2	0	0
				0	0	0	2	0	0
		YR - SYRACUSE, NY - RAC		0	0	0	5	0	0
				0	0	0	2	0	0
				1	0	7	0	0	0

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January 20, 2009 thru December 10, 2013

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2010	BU - BUFFALO, NY - SAC	YR - SYRACUSE, NY - RAC	(b)(7)(E)	7	0	2	0	0	0
				8	0	9	7	0	0
	BU - BUFFALO, NY-SAC - Total			204	82	94	223	16	2
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC		1	0	0	7	1	2
				1	0	0	4	0	0
				1	1	0	5	0	0
				2	1	0	7	1	2
		BT - BATON ROUGE, LA - RA		2	2	1	2	1	0
				2	2	1	2	1	0
		FB - FT. SMITH, AR - RAC		18	8	3	9	0	0
				1	2	2	0	2	0
				7	14	6	0	0	0
				0	0	0	9	0	0
				14	18	7	0	0	0
				32	25	11	17	2	0
		FU - FAYETTEVILLE, AR - RAC		25	30	9	14	9	37
				15	16	7	0	0	0
				26	33	16	14	9	37
		GU - GULFPORT, MS - RAC		1	7	4	2	0	0
				1	1	0	4	0	0
				0	7	1	0	0	0
				11	20	9	0	0	15

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January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	GU - GULFPORT, MS - RAC	(b)(7)(E)	8	8	1	13	0	0		
				4	0	0	8	0	0		
				0	0	0	0	18	0		
				0	0	0	50	0	0		
				6	1	0	29	0	0		
					25	24	15	91	18	15	
		HU - HOUMA, LA - RAC		2	0	0	0	0	0		
				2	0	0	0	0	0		
		JA - JACKSON, MS - RAC		1	1	0	0	0	1		
				2	0	1	0	0	0		
				0	0	0	0	0	6		
				0	0	0	5	0	0		
				0	0	0	7	0	0		
				0	0	0	16	7	0		
				0	0	0	18	0	0		
				0	0	0	33	0	0		
							3	1	1	52	7
		KI - KNOXVILLE, TN - RAC		32	32	1	7	1	0		
				0	0	0	36	0	0		
							32	32	1	36	1
		LC - LAKE CHARLES, LA - RAC		12	13	0	5	0	0		
				13	17	1	1	5	0		
				0	0	0	28	0	0		

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January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	LC - LAKE CHARLES, LA - RAC		6	7	2	15	0	0
				1	1	2	13	0	0
				19	20	5	33	5	0
		LF - LAFAYETTE, LA - RAC		0	0	2	2	0	0
				2	0	0	2	0	0
				2	0	2	2	0	0
		LR - LITTLE ROCK, AR - RAC		2	2	0	26	7	4
				6	0	1	14	0	0
				5	7	2	0	0	0
				20	20	3	0	0	0
				4	10	6	0	0	0
				33	30	11	26	7	4
		ME - MEMPHIS, TN - ASAC	(b)(7)(E)	1	2	4	8	0	5
				2	0	0	0	0	4
				1	1	2	5	0	0
				9	5	4	0	0	0
				2	2	0	55	0	0
				1	1	1	55	0	0
				14	9	7	58	0	9
		MO - MOBILE, AL - ASAC		2	7	0	5	0	1
				2	1	1	5	0	2
				0	0	0	5	0	0
				0	0	0	0	7	0

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January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	MO - MOBILE, AL - ASAC	(b)(7)(E)	0	0	0	10	0	0	
				5	0	0	15	0	0	
				12	20	6	4	0	0	
				15	19	6	10	0	0	
				22	22	11	22	7	2	
	NO - NEW ORLEANS, LA - SAC	2		1	0	2	0	1		
		1		0	0	5	6	0		
		0		0	0	8	0	0		
		5		0	0	10	0	0		
		0		0	0	14	0	0		
		21		4	5	10	0	0		
		27		5	5	27	6	1		
	NV - NASHVILLE, TN - RAC	7		7	0	4	1	1		
		5		5	1	3	0	7		
		0		0	0	4	0	0		
		7		7	1	7	1	8		
	SH - SHREVEPORT, LA - RAC	2		1	0	2	0	0		
		4		0	0	2	0	0		
		6		1	0	2	0	0		
	TT - CHATTANOOGA, TN - RAC	3		7	0	4	0	0		
		7		5	0	0	0	0		
		3		2	2	11	0	0		

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2010	NO - NEW ORLEANS, LA - SAC	TX - TEXARKANA, AR - RAC	(b)(7)(E)	10	9	2	11	0	0
				1	2	0	2	1	2
				0	0	0	3	0	0
				8	1	0	0	0	0
				9	3	0	5	1	2
	NO - NEW ORLEANS, LA - SAC - Total			273	224	89	412	66	87
	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC		7	5	6	7	0	6
				9	10	1	12	0	0
				1	0	2	3	0	5
				3	3	2	12	21	0
				2	2	4	0	0	0
				14	8	12	5	0	0
				6	28	9	2	0	0
				69	44	41	26	0	0
				0	0	0	330	0	0
				195	175	139	333	0	0
				288	233	203	350	21	11
		LI - LONG ISLAND, NY - ASAC		10	1	1	11	0	1
				8	1	0	16	3	0
				20	18	1	7	0	0
				36	19	2	25	3	1
		LL - CASTLE POINT, NY - RAC		0	0	0	1	0	3

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13 - DRUG SMUGGLING - BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	VIOLATION CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2010	NY - NEW YORK, NY - SAC	LL - CASTLE POINT, NY - RAC	(b)(7)(E)	1	0	10	0	0	0
				1	0	10	1	0	3
		NY - NEW YORK, NY - SAC		13	8	7	8	0	3
				2	2	4	8	0	2
				12	16	8	3	0	0
				12	5	3	1	0	0
				6	5	2	6	0	0
				5	3	5	0	0	6
				0	0	0	0	0	12
				0	0	0	70	0	0
				16	12	11	0	0	0
				1	1	1	20	0	0
				13	22	22	9	0	0
				0	0	0	44	40	0
				21	16	26	122	0	0
				61	21	20	11	0	0
				0	0	1	84	0	0
				5	5	5	121	0	0
				168	173	137	131	0	0
				296	244	221	267	40	22
		UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	9	1	0
				0	0	0	9	0	0
				0	0	0	75	0	0

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2010	NY - NEW YORK, NY - SAC			0	0	0	76	1	0
	NY - NEW YORK, NY - SAC - Total			621	496	436	719	65	37
2010 - Total				1,098	802	619	1,354	147	126

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2011	BU - BUFFALO, NY- SAC	AB - ALEXANDRIA BAY, NY - RAC	(b)(7)(E)	1	19	0	7	0	0
				0	9	1	15	0	0
				21	19	4	4	0	0
				21	26	5	17	0	0
		AY - ALBANY, NY - RAC		3	0	0	0	0	0
				0	7	7	0	0	0
				3	7	7	0	0	0
		BU - BUFFALO, NY-SAC		5	10	5	11	0	2
				3	8	2	8	0	0
				3	4	2	1	0	0
				2	1	2	0	0	0
				0	0	0	24	0	0
				0	0	0	0	11	0
				3	6	6	1	0	0
				0	0	0	18	0	0
				17	0	2	11	0	0
				20	4	5	0	0	0
				5	3	0	40	0	0
				0	0	0	61	0	0
				19	14	1	20	0	0
				20	35	29	13	0	0
				5	11	6	42	0	0
				71	53	57	126	11	2

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January 20, 2009 thru December 10, 2013

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2011	BU - BUFFALO, NY - SAC	MZ - MASSENA, NY - RAC	(b)(7)(E)	1	0	0	6	0	0
				4	0	0	2	4	0
				0	0	0	12	0	0
				9	0	0	13	0	0
				9	1	1	4	0	0
				0	2	2	36	0	0
				22	3	3	39	4	0
		RP - ROUSES POINT - RAC		6	8	2	6	1	0
				3	0	0	0	0	0
				0	0	0	8	0	0
				0	0	0	10	0	0
				0	0	0	9	0	0
				0	0	0	59	0	0
				10	14	5	1	0	0
				0	0	0	22	0	0
				3	3	3	17	0	0
				8	5	9	7	0	0
				39	1	3	42	0	0
				62	21	19	79	1	0
		UK - BUFFALO ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	1	0	0
				0	0	0	1	0	0
		YR - SYRACUSE, NY - RAC		0	0	0	3	0	0

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2011	BU - BUFFALO, NY - SAC	YR - SYRACUSE, NY - RAC	(b)(7)(E)	5	0	10	10	0	0
				3	0	0	0	0	0
				8	0	10	12	0	0
	BU - BUFFALO, NY - SAC - Total			187	110	101	274	16	2
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC		1	0	1	2	0	0
				0	0	1	1	2	0
				1	0	1	2	2	0
		BT - BATON ROUGE, LA - RA		1	1	0	2	2	2
				1	1	0	2	2	2
		FB - FT. SMITH, AR - RAC		1	6	6	1	0	1
				1	2	0	0	4	3
				4	6	8	1	0	0
				5	11	19	13	0	0
				9	14	24	14	4	4
		FU - FAYETTEVILLE, AR - RAC		5	2	0	2	1	3
				2	2	4	5	0	0
				5	6	7	0	0	11
				6	3	4	6	0	0
				10	9	14	6	1	11
		GU - GULFPORT, MS - RAC		0	1	0	1	0	0
				0	0	1	5	0	2

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January 20, 2009 thru December 10, 2013

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2011	NO - NEW ORLEANS, LA - SAC	GU - GULFPORT, MS - RAC	(b)(7)(E)	11	8	10	0	0	0
				2	3	7	0	0	0
				0	0	0	0	7	0
				11	9	18	6	7	2
		HU - HOUMA, LA - RAC		2	1	1	0	2	0
				2	1	1	0	2	0
		JA - JACKSON, MS - RAC		2	2	1	0	0	1
				2	2	0	6	0	0
				0	0	0	18	0	0
				0	0	0	4	4	0
				7	8	5	0	0	0
				22	17	0	1	0	0
				31	27	5	22	4	1
		KI - KNOXVILLE, TN - RAC		1	1	1	5	0	0
				0	0	0	4	0	3
				3	2	35	7	0	0
				11	7	2	7	0	0
				15	10	37	14	0	3
		LC - LAKE CHARLES, LA - RAC		0	1	5	3	0	0
				0	1	2	1	0	0
				1	1	13	1	0	0
				1	3	15	3	0	0

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2011	NO - NEW ORLEANS, LA - SAC	LF - LAFAYETTE, LA - RAC	(b)(7)(E)	0	2	2	2	1	0	
				1	8	3	0	0	0	
				6	2	0	8	0	0	
				7	12	5	8	1	0	
		LR - LITTLE ROCK, AR - RAC		1	3	8	0	0	4	
				0	5	3	14	0	0	
				0	0	0	8	5	3	
				5	0	5	12	0	0	
				5	7	16	0	0	0	
				3	5	10	2	0	0	
				11	11	32	20	5	6	
		ME - MEMPHIS, TN - ASAC		6	6	0	12	2	1	
				5	5	4	5	0	0	
				0	0	0	11	0	0	
				3	2	2	0	0	0	
				8	2	0	4	0	0	
				0	0	1	67	0	0	
		MO - MOBILE, AL - ASAC		15	8	7	72	2	1	
				2	4	1	3	0	5	
				8	12	2	0	0	0	
				0	0	0	6	6	0	
				0	0	0	21	0	0	

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2011	NO - NEW ORLEANS, LA - SAC	MO - MOBILE, AL - ASAC	(b)(7)(E)	9	1	0	4	0	0	
				0	0	0	20	0	0	
				33	38	32	9	0	0	
				28	23	16	15	0	0	
				58	58	40	40	6	5	
				NO - NEW ORLEANS, LA - SAC	2	4	5	2	0	2
					0	3	3	5	0	0
					0	0	0	9	0	0
					0	0	0	0	4	0
					0	0	0	12	0	0
	2	5			3	5	0	0		
	0	1			0	20	0	0		
	27	5			6	8	0	0		
	29	12			12	32	4	2		
	NV - NASHVILLE, TN - RAC	0			5	1	3	0	2	
		7		15	0	0	0	0		
		0		0	0	0	3	0		
		4		4	0	6	0	0		
		11		20	1	15	0	0		
		14		12	1	5	0	0		
		25		36	3	16	3	2		
	SH - SHREVEPORT, LA - RAC	0		0	1	1	0	0		
		1		1	3	1	0	0		

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2011	NO - NEW ORLEANS, LA - SAC	TT - CHATTANOOGA, TN - RAC	(b)(7)(E)	1	1	4	1	0	0
				0	0	6	1	0	0
				0	0	5	0	0	0
				5	4	1	1	0	0
				5	4	7	1	0	0
		TX - TEXARKANA, AR - RAC		0	0	1	2	1	0
				0	0	0	17	0	0
				3	2	2	9	0	0
				3	2	3	19	1	0
				235	218	228	278	44	39
	NO - NEW ORLEANS, LA - SAC - Total								
	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC		3	4	5	10	0	2
				7	5	1	7	3	4
				0	0	0	8	0	0
				6	1	1	7	0	0
				12	20	7	5	0	0
				12	31	4	6	0	0
				30	30	31	18	0	0
				1	0	0	301	0	0
				203	193	171	305	0	0
				250	222	209	315	3	6
		LI - LONG ISLAND, NY - ASAC		1	0	0	1	0	1
				0	0	0	0	2	0

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2011	NY - NEW YORK, NY - SAC	LI - LONG ISLAND, NY - ASAC		19	0	3	13	0	0
				10	12	12	8	0	0
				29	12	15	13	2	1
		LL - CASTLE POINT, NY - RAC		1	1	0	2	1	3
				25	1	3	0	0	0
				26	2	3	2	1	3
		NY - NEW YORK, NY - SAC	(b)(7)(E)	10	17	13	11	0	5
				2	5	3	10	0	2
				4	14	3	2	0	0
				5	23	10	5	0	0
				4	6	5	0	0	0
				0	0	0	9	0	0
				13	24	15	0	0	0
				0	0	0	0	16	0
				0	0	0	49	0	0
				7	16	11	19	0	0
				0	0	0	86	0	0
				49	18	12	11	0	0
				0	0	0	151	0	0
				134	32	44	11	0	0
				10	8	8	187	0	0
				238	186	132	114	0	0
				435	298	228	290	16	7

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2011	NY - NEW YORK, NY - SAC	UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP	(b)(7)(E)	0	0	0	9	0	0
				0	0	0	9	0	0
	NY - NEW YORK, NY - SAC - Total			740	534	455	629	22	17
2011 - Total				1,162	862	784	1,181	82	58

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2012	BU - BUFFALO, NY- SAC	AB - ALEXANDRIA BAY, NY - RAC		1	14	12	0	0	0
				0	3	1	0	0	0
				1	17	13	0	0	0
		AY - ALBANY, NY - RAC		2	0	0	6	0	0
				0	0	0	12	0	0
				15	9	0	2	0	0
				0	0	0	0	7	0
				14	2	0	2	0	0
				29	11	0	17	7	0
		BU - BUFFALO, NY-SAC	(b)(7)(E)	4	6	4	9	0	1
				15	2	2	13	0	0
				10	5	0	4	0	0
				0	0	0	37	0	0
				3	2	2	2	0	0
				8	4	6	0	0	0
				3	3	7	36	0	0
				0	0	0	27	0	0
				0	0	0	0	39	0
				16	12	6	25	0	0
				14	14	18	11	0	0
				0	0	0	32	0	0
				3	2	0	67	0	0
				5	6	3	50	0	0
				75	4	10	32	0	0

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2012	BU - BUFFALO, NY- SAC	MZ - MASSENA, NY - RAC	(b)(7)(E)	133	35	48	134	39	1
				4	1	0	12	4	0
				2	0	0	4	0	0
				0	0	0	5	0	0
				1	0	0	10	0	0
				4	4	3	4	0	0
				0	0	0	21	0	0
				31	0	0	8	0	0
				40	5	3	36	4	0
		RP - ROUSES POINT - RAC		0	1	0	5	0	0
				0	0	0	3	0	0
				0	1	0	2	4	0
				2	6	2	0	0	0
				3	8	2	2	0	0
				0	0	0	36	0	0
				91	28	3	32	0	0
				95	36	7	40	4	0
		YR - SYRACUSE, NY - RAC		13	1	1	4	0	0
				0	0	0	0	12	0
				24	1	1	0	0	0
				31	9	1	0	0	0
				30	8	5	1	0	0
				66	11	7	4	12	0

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13 - DRUG SMUGGLING - BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	VIOLATION CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS	
2012	BU - BUFFALO,NY-SAC - Total			364	115	78	231	66	1	
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	(b)(7)(E)	2	0	0	5	0	2	
				1	1	0	3	2	0	
				3	1	0	5	2	2	
	BT - BATON ROUGE, LA - RA			0	1	0	1	0	3	
				0	0	0	4	2	0	
				3	2	0	4	0	0	
				3	3	0	9	2	3	
	FB - FT. SMITH, AR - RAC			2	9	2	0	0	0	
				16	20	0	29	6	0	
				9	15	6	0	0	0	
				27	22	7	29	6	0	
	FU - FAYETTEVILLE, AR - RAC			4	5	2	3	0	4	
				7	4	0	7	0	0	
				4	6	5	0	8	0	
				11	11	7	8	8	4	
	GU - GULFPORT, MS - RAC			3	1	1	6	0	0	
				0	2	2	0	0	0	
				51	53	12	0	5	0	
				8	0	0	4	0	0	
				11	8	3	1	0	0	
				0	0	0	16	0	0	

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January 20, 2009 thru December 10, 2013

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2012	NO - NEW ORLEANS, LA - SAC	GU - GULFPORT, MS - RAC	(b)(7)(E)	0	0	0	21	0	0
				65	55	17	22	5	0
		HU - HOUMA, LA - RAC		3	3	0	2	0	1
				1	1	0	11	0	0
				23	0	0	8	3	0
				27	4	0	11	3	1
		JA - JACKSON, MS - RAC		0	0	0	2	0	0
				12	13	0	7	0	0
				0	0	0	8	0	0
				8	9	6	1	0	0
				0	0	0	12	0	0
				14	5	5	3	0	0
		KI - KNOXVILLE, TN - RAC		31	27	11	16	0	0
				0	1	0	3	0	0
				0	1	1	5	6	0
				5	6	11	5	0	0
				2	4	4	0	0	0
				4	5	4	2	0	0
		LC - LAKE CHARLES, LA - RAC		5	9	13	8	6	0
				2	1	1	2	0	0
				3	0	0	13	0	0
				5	0	0	5	0	0
				4	1	0	8	5	0

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January 20, 2009 thru December 10, 2013

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2012	NO - NEW ORLEANS, LA - SAC	LF - LAFAYETTE, LA - RAC	(b)(7)(E)	6	1	1	15	5	0
				6	11	2	0	0	0
				0	0	0	2	2	0
				9	10	14	0	0	0
				4	1	0	2	0	0
				15	15	14	2	2	0
		LR - LITTLE ROCK, AR - RAC		1	4	2	8	0	0
				10	9	2	0	0	8
				9	7	2	10	0	0
				3	2	1	8	0	0
				0	0	0	18	15	0
				1	0	0	19	0	0
				20	0	2	22	0	0
				23	18	5	4	0	0
				13	17	7	0	0	0
				41	31	13	36	15	8
		ME - MEMPHIS, TN - ASAC		4	7	3	10	0	0
				0	0	0	0	2	0
				1	5	1	0	0	0
				13	11	4	10	0	0
				22	10	4	3	0	0
				0	0	0	73	0	0
				0	0	0	83	0	0

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Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2012	NO - NEW ORLEANS, LA - SAC	MO - MOBILE, AL - ASAC	(b)(7)(E)	28	21	9	92	2	0
				2	3	4	2	1	2
				0	0	2	0	0	2
				0	0	0	27	0	0
				0	0	0	30	0	0
				10	0	1	5	0	0
				0	0	0	11	0	0
				8	3	20	2	0	0
				10	10	8	20	0	0
				24	16	27	40	1	3
		NO - NEW ORLEANS, LA - SAC		2	2	0	3	0	1
				5	8	1	8	0	4
				0	0	0	9	0	0
				0	0	0	0	7	0
				10	14	3	1	0	0
				0	0	0	29	0	0
				0	1	0	18	0	0
				42	22	13	13	0	0
				54	40	16	58	7	5
		NV - NASHVILLE, TN - RAC		0	2	5	4	0	1
				0	1	4	4	0	0
				1	0	1	2	0	0
				0	0	0	0	4	0

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January 20, 2009 thru December 10, 2013

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2012	NO - NEW ORLEANS, LA - SAC	NV - NASHVILLE, TN - RAC		2	1	17	2	0	0
				4	8	5	0	0	0
				7	10	27	4	4	1
		SH - SHREVEPORT, LA - RAC		0	0	0	1	1	0
				5	0	1	1	0	0
				5	0	1	1	1	0
		TT - CHATTANOOGA, TN - RAC		3	0	0	2	0	0
				3	1	2	1	0	0
				4	1	2	2	0	0
		TX - TEXARKANA, AR - RAC	(b)(7)(E)	10	8	3	16	3	5
				4	7	3	15	0	0
				0	0	0	9	0	0
				9	5	3	0	0	0
				19	13	6	21	3	5
	NO - NEW ORLEANS, LA - SAC - Total			375	280	171	379	72	32
	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC		6	6	4	23	0	2
				3	3	7	5	3	0
				9	10	3	20	0	0
				19	25	13	18	0	0
				5	26	7	12	0	0
				22	28	22	11	0	0
				2	0	0	312	0	0

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January 20, 2009 thru December 10, 2013

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2012	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC	(b)(7)(E)	176	147	150	314	0	0
				232	197	199	343	3	2
		LI - LONG ISLAND, NY - ASAC		10	5	0	4	0	1
				0	0	0	12	2	0
				0	0	0	18	0	0
				11	9	18	5	0	0
				21	14	18	19	2	1
		LL - CASTLE POINT, NY - RAC		0	0	1	2	0	1
				0	0	0	6	0	0
				6	5	3	4	0	0
				6	5	4	8	0	1
		NY - NEW YORK, NY - SAC		21	17	6	10	0	0
				14	5	6	14	0	3
				2	6	5	6	0	3
				3	1	0	0	0	0
				0	0	0	8	0	0
				3	0	0	8	0	0
				0	0	0	0	11	0
				10	7	2	17	0	0
				20	19	17	2	0	0
				29	14	20	9	0	0
				0	0	1	74	0	0

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2012	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC	(b)(7)(E)	0	0	1	101	0	0
				87	35	31	30	0	0
				4	2	1	130	0	0
				98	86	151	83	0	0
				238	159	220	199	11	6
		UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP	(b)(7)(E)	0	0	0	1	0	0
				0	0	0	1	0	0
				497	375	441	570	16	10
		NY - NEW YORK, NY - SAC - Total		1,236	770	690	1,180	154	43
2012 - Total									

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2013	BU - BUFFALO, NY - SAC	AB - ALEXANDRIA BAY, NY - RAC		1	2	9	1	0	0
				1	0	8	0	0	0
				2	2	9	1	0	0
		AY - ALBANY, NY - RAC		1	2	1	7	0	0
				1	1	1	0	0	0
				0	0	0	5	0	0
				5	0	0	0	0	0
				1	0	0	6	0	0
				1	0	0	9	0	0
				0	0	0	35	0	0
				0	0	0	0	20	0
				51	3	11	15	0	0
				56	6	13	49	20	0
		BU - BUFFALO, NY - SAC	(b)(7)(E)	8	2	2	5	0	1
				6	0	3	4	0	0
				4	2	1	7	0	0
				0	0	0	8	0	0
				0	2	6	0	0	0
				5	4	7	0	0	0
				0	0	0	56	0	0
				1	0	3	141	0	0
				16	4	7	46	0	0
				16	7	10	56	0	0
				0	0	0	0	46	0

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2013	BU - BUFFALO,NY- SAC	BU - BUFFALO,NY-SAC		7	1	4	68	0	0
				55	6	9	39	0	0
				99	22	34	197	46	1
		MZ - MASSENA, NY - RAC	(b)(7)(E)	3	0	0	1	0	0
				0	0	0	20	0	0
				16	0	0	6	0	0
				0	0	0	11	0	0
				0	0	0	0	8	0
				1	0	0	13	0	0
				14	3	2	33	0	0
				30	1	1	9	0	0
		RP - ROUSES POINT - RAC		53	4	3	44	8	0
				5	4	1	7	0	0
				4	7	1	2	0	0
				7	7	5	6	0	0
				0	0	0	10	7	0
				0	0	0	20	0	0
				0	0	0	46	0	0
				0	0	0	22	0	0
				67	54	72	47	0	0
				75	61	78	74	7	0
		UK - BUFFALO ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	5	0	0
				0	0	0	56	0	0

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2013	BU - BUFFALO, NY - SAC	YR - SYRACUSE, NY - RAC	(b)(7)(E)	0	0	0	56	0	0
				1	3	1	4	0	0
				0	0	0	9	0	0
				1	0	0	6	4	0
				11	2	3	0	0	0
				47	6	7	0	0	0
				54	9	8	14	4	0
	BU - BUFFALO, NY-SAC - Total			339	104	145	435	85	1
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC		1	2	1	3	0	0
				13	2	0	11	5	0
				5	0	1	12	0	0
				14	4	2	14	5	0
		BT - BATON ROUGE, LA - RA		2	1	0	0	0	0
				4	1	0	6	2	0
				5	1	1	9	0	0
				0	0	0	5	0	0
				1	1	0	11	0	0
				11	7	1	0	0	0
				16	8	2	17	2	0
		FB - FT. SMITH, AR - RAC		1	3	9	0	0	2
				2	2	0	0	5	0
				0	0	0	13	0	0

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2013	NO - NEW ORLEANS, LA - SAC	FB - FT. SMITH, AR - RAC	(b)(7)(E)	28	28	13	3	0	0
				31	32	21	13	5	2
		FU - FAYETTEVILLE, AR - RAC		6	2	3	16	0	6
				8	9	6	16	3	0
				9	10	9	16	3	6
		GU - GULFPORT, MS - RAC		2	1	1	1	0	1
				0	0	0	6	0	0
				7	1	4	5	7	0
				15	15	45	0	0	0
				2	0	0	16	0	0
				0	0	0	22	0	0
				11	3	1	10	0	0
				36	18	49	29	7	1
		HU - HOUMA, LA - RAC		0	0	4	7	0	0
				0	0	0	0	4	0
				19	9	1	2	0	0
				19	9	5	7	4	0
		JA - JACKSON, MS - RAC		2	2	3	5	1	2
				2	3	12	0	0	0
				0	0	0	6	0	0
				0	0	0	9	0	0
				0	0	0	15	0	0
				4	2	5	7	0	0

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2013	NO - NEW ORLEANS, LA - SAC	JA - JACKSON, MS - RAC	(b)(7)(E)	16	3	3	11	0	0
				23	8	21	24	1	2
		KI - KNOXVILLE, TN - RAC		2	1	2	4	1	0
				0	0	0	4	0	0
				2	1	2	4	1	0
		LC - LAKE CHARLES, LA - RAC		3	2	2	3	0	0
				1	0	1	13	4	0
				24	0	0	7	0	0
				27	2	2	15	4	0
		LF - LAFAYETTE, LA - RAC		2	3	0	5	0	0
				0	0	0	4	0	0
				7	7	5	4	0	0
				0	0	0	0	8	0
				19	2	3	2	0	0
				26	10	8	7	8	0
		LR - LITTLE ROCK, AR - RAC		8	7	2	7	0	0
				3	1	6	5	0	0
				0	2	4	0	7	8
				0	0	0	16	0	0
				0	0	0	17	0	0
				17	13	7	0	0	0
				29	13	7	18	0	0

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2013	NO - NEW ORLEANS, LA - SAC	ME - MEMPHIS, TN - ASAC	(b)(7)(E)	29	16	14	22	7	8
				2	4	1	2	0	0
				4	4	4	0	0	0
				0	0	0	0	3	0
				0	0	0	10	0	0
				9	0	0	2	0	0
				41	42	17	4	0	0
				0	0	0	55	0	0
				0	0	0	61	0	0
				56	48	21	65	3	0
		MO - MOBILE, AL - ASAC		4	2	0	4	0	0
				0	0	0	3	0	2
				3	4	5	2	17	0
				0	0	0	17	0	0
				18	2	0	1	0	0
				0	0	0	22	0	0
				0	0	0	24	0	0
				22	20	20	21	0	0
				46	25	23	42	17	2
		NO - NEW ORLEANS, LA - SAC		8	0	1	8	0	6
				3	2	0	11	0	0
				0	0	0	0	0	12
				15	2	2	0	0	0

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13 - DRUG SMUGGLING - BU, NO, NY ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	VIOLATION CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2013	NO - NEW ORLEANS, LA - SAC	NO - NEW ORLEANS, LA - SAC	(b)(7)(E)	0	0	0	13	0	0
				0	0	0	0	10	0
				12	1	5	20	0	0
				0	0	0	33	0	0
				0	0	1	32	0	0
				56	15	13	36	0	0
				82	20	20	86	10	18
		NV - NASHVILLE, TN - RAC		1	3	8	5	0	2
				0	0	3	4	0	0
				0	2	2	4	0	0
				2	0	1	19	5	0
				3	4	15	3	0	0
				6	7	20	21	5	2
		SH - SHREVEPORT, LA - RAC		3	2	2	2	1	0
				0	0	0	6	0	0
				8	0	0	4	0	0
				9	2	2	6	1	0
		TT - CHATTANOOGA, TN - RAC		2	3	0	3	0	0
				0	0	0	0	6	0
				0	0	0	4	0	0
				7	1	1	3	0	0
				43	16	0	1	0	0
				51	17	1	7	6	0

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2013	NO - NEW ORLEANS, LA - SAC	TX - TEXARKANA, AR - RAC	(b)(7)(E)	4	0	0	4	0	2
				1	1	2	6	2	0
				6	0	4	4	0	0
				11	1	6	10	2	2
		UQ - NEW ORLEANS ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	2	0	0
				0	0	0	2	0	0
				0	0	0	2	0	0
	NO - NEW ORLEANS, LA - SAC - Total			493	238	228	407	91	43
	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC		11	10	7	13	1	0
				8	8	1	2	0	3
				4	1	1	16	0	0
				0	0	0	4	0	0
				0	0	0	6	0	0
				14	8	6	6	0	0
				15	26	0	9	0	0
				32	30	5	11	0	0
				45	29	17	25	0	0
				3	1	0	256	0	0
				119	89	64	258	0	0
				218	164	98	276	1	3
		LI - LONG ISLAND, NY - ASAC		3	21	0	4	0	2
				5	7	3	11	3	0
				0	0	0	11	0	0

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2013	NY - NEW YORK, NY - SAC	LI - LONG ISLAND, NY - ASAC	(b)(7)(E)	4	2	4	4	0	0
				11	28	7	15	3	2
		LL - CASTLE POINT, NY - RAC		1	0	0	4	0	0
				14	13	0	15	0	0
				14	5	5	9	0	0
				28	18	5	15	0	0
		NY - NEW YORK, NY - SAC		58	53	10	10	0	1
				14	12	2	6	0	6
				4	1	7	8	0	0
				12	17	3	0	0	0
				5	7	8	23	0	0
				0	0	0	16	0	0
				5	9	7	0	0	0
				15	20	7	0	0	0
				0	0	0	0	23	0
				0	0	0	52	0	0
				10	3	9	17	0	0
				0	0	0	105	0	0
				0	3	1	129	0	0
				5	5	4	144	0	0
				118	45	49	54	0	0
				128	94	123	86	0	0
				319	220	197	271	23	7

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2013	NY - NEW YORK, NY - SAC	UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP	(b)(7)(E)	0	0	0	1	0	0
				0	0	0	1	0	0
	NY - NEW YORK, NY - SAC - Total			576	430	307	578	27	12
2013 - Total				1,408	772	680	1,420	203	56

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2009	BU - BUFFALO,NY- SAC	AB - ALEXANDRIA BAY, NY - RAC	FINANCIAL INVESTIGATIONS	2	0	0	3	0	0
			GENERAL SMUGGLING	3	1	1	5	1	0
			DRUG SMUGGLING	9	4	5	9	1	0
				14	5	6	17	2	0
		AY - ALBANY, NY - RAC	FINANCIAL INVESTIGATIONS	3	1	0	16	4	0
			OTHER CRIMINAL	3	0	0	0	0	0
			(b) GENERAL SMUGGLING	5	6	6	22	6	0
			(7) DRUG SMUGGLING	3	1	1	3	0	0
			(E) HUMAN UGGLING/TRAFFICKING	5	4	1	4	0	1
			GENERAL ALIEN ESTIGATIONS	3	1	3	0	0	44
			BENEFIT FRAUD	2	2	2	1	0	4
			DOCUMENT FRAUD	1	0	1	0	0	0
				0	0	0	1	0	17
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			GANG INVESTIGATIONS	0	0	0	0	0	3
				25	15	14	47	10	69
	BU - BUFFALO,NY-SAC		(b) FINANCIAL INVESTIGATIONS	39	21	32	80	17	0
			(7) MUNITIONS CONTROL	1	0	0	8	0	0
			(E) OTHER CRIMINAL	25	0	4	1	0	1
			) ILLEGAL EXPORTS	1	0	0	1	0	0
			GENERAL SMUGGLING	22	9	22	52	14	0

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ENFORCEMENT STATISTICS

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2009	BU - BUFFALO, NY- SAC	BU - BUFFALO, NY-SAC	(b)(7)(E) FRAUD	4	0	3	28	0	0
			(b)(7)(E) DRUG SMUGGLING	105	46	40	134	34	0
			(b)(7)(E) COUNTERTERRORISM	1	0	6	0	0	1
			(b)(7)(E) HUMAN UGGLING/TRAFFICKING	6	4	10	7	1	2
			(b)(7)(E) GENERAL ALIEN ESTIGATIONS	9	1	9	0	0	63
			(b)(7)(E) BENEFIT FRAUD	2	1	0	0	0	1
			(b)(7)(E) DOCUMENT FRAUD	10	9	18	17	2	8
			(b)(7)(E) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	1	1	4	0	0	17
			(b)(7)(E) IDENTITY & BENEFIT FRAUD (IBF) ESTIGATIONS (ARCHIVED)	0	1	0	0	0	0
				226	93	148	328	68	93
		MZ - MASSENA, NY - RAC	(b)(7)(E) FINANCIAL INVESTIGATIONS	5	4	1	8	0	0
			(b)(7)(E) OTHER CRIMINAL	1	1	1	2	0	0
			(b)(7)(E) GENERAL SMUGGLING	4	4	3	4	0	0
			(b)(7)(E) DRUG SMUGGLING	26	4	8	8	1	0
			(b)(7)(E) HUMAN UGGLING/TRAFFICKING	5	4	1	3	0	0
			(b)(7)(E) GENERAL ALIEN ESTIGATIONS	0	1	1	0	0	0
			(b)(7)(E) COMPUTER FORENSICS - CYBER	1	0	0	0	0	0
				42	18	15	25	1	0

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ENFORCEMENT STATISTICS

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2009	BU - BUFFALO,NY- SAC	RP - ROUSES POINT - RAC	FINANCIAL INVESTIGATIONS	11	5	9	17	0	0
			MUNITIONS CONTROL	3	1	0	2	1	1
			OTHER CRIMINAL	2	0	0	0	0	0
			GENERAL SMUGGLING	9	5	1	18	4	0
			FOREIGN/DOMESTIC OPERATION	2	0	0	0	0	0
			DRUG SMUGGLING	48	17	16	59	3	0
			HUMAN JUGGLING/TRAFFICKING	24	25	10	14	3	19
			GENERAL ALIEN ESTIGATIONS	2	0	1	0	0	4
			BENEFIT FRAUD	1	0	0	0	0	0
			(b) DOCUMENT FRAUD	0	1	1	0	0	0
			(7)	102	54	38	110	11	24
			(E)						
		UK - BUFFALO ASSET IDENTIFICATION/REMOVAL GROUP	FINANCIAL INVESTIGATIONS	0	0	0	2	0	0
			FRAUD	0	0	0	1	0	0
			DRUG SMUGGLING	0	0	0	4	0	0
				0	0	0	7	0	0
		YR - SYRACUSE, NY - RAC	FINANCIAL INVESTIGATIONS	8	0	0	0	0	0
			OTHER CRIMINAL	1	0	3	0	0	0
			GENERAL SMUGGLING	0	0	1	1	0	0
			DRUG SMUGGLING	1	2	26	2	0	0
			HUMAN JUGGLING/TRAFFICKING	1	1	3	5	0	4
			GENERAL ALIEN	0	0	0	0	0	1

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2009	BU - BUFFALO, NY - SAC	YR - SYRACUSE, NY - RAC	INVESTIGATIONS						
			BENEFIT FRAUD	1	0	0	0	0	0
				0	0	0	0	0	2
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				12	3	33	8	0	7
				421	188	254	542	92	193
	BU - BUFFALO, NY - SAC - Total								
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	FINANCIAL INVESTIGATIONS	0	0	0	2	0	0
			MUNITIONS CONTROL	0	0	0	2	1	0
			(b) GENERAL SMUGGLING	10	9	8	20	9	0
			(7) FRAUD	0	0	0	9	0	0
			(E) DRUG SMUGGLING	3	2	3	4	1	0
			COUNTERTERRORISM	0	0	0	0	0	1
			HUMAN SMUGGLING/TRAFFICKING	3	3	0	1	0	1
			GENERAL ALIEN INVESTIGATIONS	6	3	14	7	0	69
			DOCUMENT FRAUD	4	3	4	5	1	4
				4	1	1	2	0	4
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			GANG INVESTIGATIONS	4	4	2	1	0	41
				34	25	32	53	12	120
		BT - BATON ROUGE, LA - RA	02 - FINANCIAL INVESTIGATIONS	0	0	0	2	1	0

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2009	NO - NEW ORLEANS, LA - SAC	BT - BATON ROUGE, LA - RA	MUNITIONS CONTROL	0	0	1	0	0	0
			GENERAL SMUGGLING	1	0	0	3	2	0
			DRUG SMUGGLING	1	1	0	2	1	0
			HUMAN UGGLING/TRAFFICKING	1	1	1	0	0	0
			GENERAL ALIEN ESTIGATIONS	3	2	1	0	0	19
			MPLIANCE/WORKSITE/ RASTRUCTURE PROTECTION ESTIGATIONS	0	0	0	0	0	1
				6	4	3	7	4	20
		FB - FT. SMITH, AR - RAC	(b) DRUG SMUGGLING	0	0	10	4	2	0
			(7) GENERAL ALIEN	10	8	4	0	0	43
			(E) ESTIGATIONS						
			DOCUMENT FRAUD	3	4	4	1	0	4
			MPLIANCE/WORKSITE/ RASTRUCTURE PROTECTION ESTIGATIONS	5	5	0	5	1	26
				18	17	18	10	3	73
		FU - FAYETTEVILLE, AR - RAC	FINANCIAL INVESTIGATIONS	1	3	11	5	3	16
			GENERAL SMUGGLING	3	5	0	2	3	0
			DRUG SMUGGLING	1	0	4	0	0	7
			HUMAN UGGLING/TRAFFICKING	8	7	6	6	0	49
			GENERAL ALIEN	34	30	18	2	1	404

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2009	NO - NEW ORLEANS, LA - SAC	FU - FAYETTEVILLE, AR - RAC	INVESTIGATIONS						
			BENEFIT FRAUD	0	0	0	12	3	0
			DOCUMENT FRAUD	16	11	7	9	0	12
				19	12	17	12	3	28
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			GANG INVESTIGATIONS	2	1	0	0	0	1
				84	69	63	48	13	517
		GU - GULFPORT, MS - RAC	(b) FINANCIAL INVESTIGATIONS	0	0	1	1	0	0
			(7) MUNITIONS CONTROL	1	1	1	1	0	0
			(E) GENERAL SMUGGLING	0	1	2	14	4	0
			FRAUD	1	0	2	5	1	0
			DRUG SMUGGLING	15	13	10	10	2	0
			HUMAN SMUGGLING/TRAFFICKING	1	1	1	0	0	2
			GENERAL ALIEN INVESTIGATIONS	7	4	3	6	1	12
			BENEFIT FRAUD	0	0	0	0	0	1
			DOCUMENT FRAUD	5	7	8	6	4	2
				1	4	1	0	0	1
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				31	31	29	43	12	18
		HU - HOUMA, LA - RAC	(b) FINANCIAL INVESTIGATIONS	0	0	0	1	0	0
			(7)						

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2009	NO - NEW ORLEANS, LA - SAC	HU - HOUMA, LA - RAC	(b)(7)(E) GENERAL SMUGGLING	4	3	2	0	5	0
			(b)(7)(E) FRAUD	0	0	0	4	1	0
			(b)(7)(E) DRUG SMUGGLING	5	0	0	0	0	0
			(b)(7)(E) GENERAL ALIEN INVESTIGATIONS	1	1	1	0	0	0
			(b)(7)(E) BENEFIT FRAUD	2	1	1	0	0	1
			(b)(7)(E) DOCUMENT FRAUD	5	3	4	0	0	4
			(b)(7)(E)	0	0	0	0	0	3
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				17	8	8	5	6	8
		JA - JACKSON, MS - RAC	(b)(7)(E) FINANCIAL INVESTIGATIONS	2	2	1	6	2	1
			(b)(7)(E) GENERAL SMUGGLING	8	8	2	7	8	0
			(b)(7)(E) FOREIGN/DOMESTIC OPERATION	0	0	0	0	1	0
			(b)(7)(E) DRUG SMUGGLING	0	2	0	0	0	0
			(b)(7)(E) HUMAN SMUGGLING/TRAFFICKING	4	6	5	0	0	0
			(b)(7)(E) GENERAL ALIEN INVESTIGATIONS	0	0	0	0	0	37
			(b)(7)(E)	0	0	0	0	0	2
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				14	18	8	13	11	40
		KI - KNOXVILLE, TN - RAC	02 - FINANCIAL INVESTIGATIONS	0	1	0	0	0	0

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2009	NO - NEW ORLEANS, LA - SAC	KI - KNOXVILLE, TN - RAC	MUNITIONS CONTROL	2	3	0	8	3	0
			GENERAL SMUGGLING	1	1	2	4	0	0
			DRUG SMUGGLING	0	2	3	0	0	0
			(b) COUNTERTERRORISM	1	1	0	0	0	0
			(7) HUMAN	0	0	0	1	0	0
			(E) UGGLING/TRAFFICKING						
			GENERAL ALIEN INVESTIGATIONS	3	3	0	1	0	30
				2	2	0	0	0	6
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				9	13	5	14	3	36
		LC - LAKE CHARLES, LA - RAC	FINANCIAL INVESTIGATIONS	0	0	0	1	1	0
			(b) GENERAL SMUGGLING	20	8	4	17	7	0
			(7) FRAUD	0	0	0	6	0	0
			(E) DRUG SMUGGLING	3	2	10	0	0	0
			HUMAN SMUGGLING/TRAFFICKING	1	1	6	0	0	4
			GENERAL ALIEN INVESTIGATIONS	14	14	1	0	0	1
			(b)	38	25	21	24	8	5
		LF - LAFAYETTE, LA - RAC	FINANCIAL INVESTIGATIONS	0	0	0	0	0	1
			(7) MUNITIONS CONTROL	0	1	0	0	0	0
			(E) OTHER CRIMINAL	1	0	0	0	0	0
			GENERAL SMUGGLING	1	0	2	4	5	0

(b)(7)(E)

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January 20, 2009 thru December 10, 2013

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2009	NO - NEW ORLEANS, LA - SAC	LF - LAFAYETTE, LA - RAC	(b)(7)(E) - FRAUD	1	2	0	5	1	0
			(b)(7)(E) - DRUG SMUGGLING	15	10	2	10	1	4
			(b)(7)(E) - HUMAN UGGLING/TRAFFICKING	0	0	0	0	0	1
			(b)(7)(E) - GENERAL ALIEN INVESTIGATIONS	1	1	3	0	0	5
			(b)(7)(E) - BENEFIT FRAUD	2	2	0	0	0	1
			(b)(7)(E) - COMPUTER FORENSICS - CYBER	0	0	0	0	2	0
				21	16	7	19	9	12
		LR - LITTLE ROCK, AR - RAC	(b)(7)(E) - MUNITIONS CONTROL	2	4	0	0	0	0
			(b)(7)(E) - GENERAL SMUGGLING	3	3	4	2	1	0
			(b)(7)(E) - FRAUD	0	0	0	6	1	0
			(b)(7)(E) - DRUG SMUGGLING	10	7	6	8	1	0
			(b)(7)(E) - HUMAN UGGLING/TRAFFICKING	0	0	1	0	0	1
			(b)(7)(E) - GENERAL ALIEN INVESTIGATIONS	7	8	7	0	0	15
			(b)(7)(E) - DOCUMENT FRAUD	2	2	4	3	0	1
			(b)(7)(E) - COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	1	0	2	1	5
				24	25	22	21	4	22
	ME - MEMPHIS, TN - ASAC	(b)(7)(E) - FINANCIAL INVESTIGATIONS	0	0	4	95	14	0	0
		(b)(7)(E) - MUNITIONS CONTROL	0	0	0	1	0	0	0
		(b)(7)(E) - OTHER CRIMINAL	1	0	0	0	0	0	0

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ENFORCEMENT STATISTICS

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2009	NO - NEW ORLEANS, LA - SAC	ME - MEMPHIS, TN - ASAC	(b)(7)(E) GENERAL SMUGGLING	8	5	10	12	7	0
			(b)(7)(E) FRAUD	5	8	3	12	6	0
			(b)(7)(E) DRUG SMUGGLING	15	5	7	63	2	2
			(b)(7)(E) HUMAN UGGLING/TRAFFICKING	1	3	3	0	0	0
			(b)(7)(E) GENERAL ALIEN ESTIGATIONS	4	7	13	1	0	76
			(b)(7)(E) BENEFIT FRAUD	2	2	0	2	0	6
			(b)(7)(E) DOCUMENT FRAUD	17	17	7	9	5	8
			(b)(7)(E) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	1
				53	47	47	195	34	93
		MO - MOBILE, AL - ASAC	(b)(7)(E) FINANCIAL INVESTIGATIONS	0	0	0	3	0	4
			(b)(7)(E) MUNITIONS CONTROL	2	4	3	3	3	0
			(b)(7)(E) OTHER CRIMINAL	6	4	3	6	0	0
			(b)(7)(E) GENERAL SMUGGLING	5	4	6	8	4	0
			(b)(7)(E) FRAUD	1	2	8	2	0	2
			(b)(7)(E) DRUG SMUGGLING	2	2	5	4	0	0
			(b)(7)(E) HUMAN UGGLING/TRAFFICKING	2	1	0	1	0	0
			(b)(7)(E) GENERAL ALIEN ESTIGATIONS	6	14	7	0	0	56
			(b)(7)(E) BENEFIT FRAUD	1	1	1	1	0	2
			(b)(7)(E) DOCUMENT FRAUD	3	2	4	1	0	5

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2009	NO - NEW ORLEANS, LA - SAC	MO - MOBILE, AL - ASAC	(b)(7)(E) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	14	0	21
				28	34	37	43	7	90
		NO - NEW ORLEANS, LA - SAC	FINANCIAL INVESTIGATIONS	5	1	1	12	1	1
			MUNITIONS CONTROL	0	0	5	0	0	0
			THEFT, LOSS, DAMAGE, & MORTGAGE	3	0	0	0	0	0
			OTHER CRIMINAL	2	2	0	0	0	0
			ILLEGAL EXPORTS	0	0	0	1	0	0
			GENERAL SMUGGLING	15	8	6	31	19	0
			(b)(7)(E) FRAUD	1	2	4	4	4	0
			DRUG SMUGGLING	8	3	0	3	3	0
			COUNTERTERRORISM	0	0	0	0	0	1
			HUMAN UGGLING/TRAFFICKING	10	0	0	1	0	6
			GENERAL ALIEN INVESTIGATIONS	3	3	3	2	0	57
			BENEFIT FRAUD	1	0	0	0	0	0
			DOCUMENT FRAUD	5	5	4	5	0	0
				1	2	3	0	0	16
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			COMPUTER FORENSICS - CYBER	0	0	0	0	3	0
				54	26	26	59	30	81

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2009	NO - NEW ORLEANS, LA - SAC	NV - NASHVILLE, TN - RAC	FINANCIAL INVESTIGATIONS	8	3	0	10	2	1
			MUNITIONS CONTROL	5	6	0	3	0	1
			OTHER CRIMINAL	4	3	1	0	0	4
			GENERAL SMUGGLING	4	3	2	16	8	0
			FRAUD	0	0	0	13	3	0
		(b)	DRUG SMUGGLING	15	12	1	8	3	0
		(7)	COUNTERTERRORISM	1	0	0	0	0	1
		(E)	HUMAN JUGGLING/TRAFFICKING	6	1	4	0	0	0
			GENERAL ALIEN ESTIGATIONS	11	4	19	0	0	77
			BENEFIT FRAUD	4	3	0	0	0	4
			DOCUMENT FRAUD	4	1	7	7	3	9
				9	21	1	0	0	12
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				71	57	35	57	19	109
	SH - SHREVEPORT, LA - RAC	(b)	- FINANCIAL INVESTIGATIONS	5	3	2	1	0	0
		)	- GENERAL SMUGGLING	2	0	1	0	0	0
		(7)	- DRUG SMUGGLING	4	1	2	2	0	0
		)	- HUMAN	0	0	0	0	0	16
		(E)	MUGGLING/TRAFFICKING						
		)	- GENERAL ALIEN INVESTIGATIONS	3	2	4	2	0	1
				14	6	9	5	0	17

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January 20, 2009 thru December 10, 2013

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2009	NO - NEW ORLEANS, LA - SAC	TT - CHATTANOOGA, TN - RAC	MUNITIONS CONTROL	0	0	0	0	0	1
			GENERAL SMUGGLING	1	1	1	2	0	0
			(b) (7) (E) HUMAN UGGLING/TRAFFICKING	0	1	1	0	0	0
			(E) GENERAL ALIEN ESTIGATIONS	1	0	0	0	0	10
			DOCUMENT FRAUD	3	3	3	1	0	3
				0	0	4	2	0	1
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			GANG INVESTIGATIONS	1	3	3	0	0	2
				6	8	12	5	0	17
		TX - TEXARKANA, AR - RAC	(b) (7) (E) DRUG SMUGGLING	2	0	0	2	0	0
			(E) GENERAL ALIEN ESTIGATIONS	10	14	5	9	0	11
			DOCUMENT FRAUD	6	6	3	5	0	6
				0	0	0	0	0	2
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				18	20	8	16	0	19
		UQ - NEW ORLEANS ASSET IDENTIFICATION/REMOVAL GROUP	(b) (7) (E) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	2	0	0
				0	0	0	2	0	0

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2009	NO - NEW ORLEANS, LA - SAC - Total			540	449	390	639	175	1,297
	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC	FINANCIAL INVESTIGATIONS	13	12	24	124	0	2
			MUNITIONS CONTROL	1	1	1	3	0	0
			THEFT, LOSS, DAMAGE, & MORTGAGE	0	0	0	5	0	0
			ILLEGAL EXPORTS	0	0	1	0	0	0
			GENERAL SMUGGLING	7	6	2	21	1	0
			FRAUD	4	4	2	22	0	5
			(b) (7) (E) FOREIGN/DOMESTIC OPERATION	1	0	0	0	0	0
			REGULATORY COMPLIANCE	0	0	0	63	0	0
			DRUG SMUGGLING	188	172	210	236	3	4
			HUMAN SMUGGLING/TRAFFICKING	0	0	2	0	0	3
			BENEFIT FRAUD	1	1	0	2	1	0
			DOCUMENT FRAUD	2	1	7	4	0	3
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	9
				217	197	249	480	5	26
	LI - LONG ISLAND, NY - ASAC		FINANCIAL INVESTIGATIONS	3	1	1	0	0	0
			(b) MUNITIONS CONTROL	0	0	0	2	0	0
			(7) ILLEGAL EXPORTS	0	1	1	0	2	0
			(E) GENERAL SMUGGLING	9	8	0	23	1	0
			FRAUD	0	0	6	0	0	0

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2009	NY - NEW YORK, NY - SAC	LI - LONG ISLAND, NY - ASAC	FOREIGN/DOMESTIC OPERATION	0	0	0	0	0	2
			DRUG SMUGGLING	1	1	2	5	0	0
			COUNTERTERRORISM	0	0	0	0	0	2
			HUMAN JUGGLING/TRAFFICKING	3	0	0	9	0	0
			GENERAL ALIEN ESTIGATIONS	0	0	2	0	0	11
			BENEFIT FRAUD	0	0	1	0	0	2
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION (b) ESTIGATIONS	4	3	0	2	1	2
			(7) GANG INVESTIGATIONS	8	9	3	2	0	16
			(E)	28	23	16	43	4	35
		LL - CASTLE POINT, NY - RAC	FINANCIAL INVESTIGATIONS	4	3	0	3	0	0
			GENERAL SMUGGLING	1	0	1	3	0	0
			DRUG SMUGGLING	15	0	4	1	0	0
			HUMAN JUGGLING/TRAFFICKING	2	0	2	0	0	0
			GENERAL ALIEN ESTIGATIONS	1	1	0	0	0	9
			BENEFIT FRAUD	1	0	0	2	0	0
			DOCUMENT FRAUD	0	0	0	1	0	0
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	13	0	0	0	0	5

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2009	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC		37	4	7	10	0	14
			FINANCIAL INVESTIGATIONS	74	68	57	333	13	5
			MUNITIONS CONTROL	1	1	1	4	1	0
			OTHER CRIMINAL	32	3	5	2	0	7
			ILLEGAL EXPORTS	1	1	1	2	0	0
			GENERAL SMUGGLING	15	23	32	52	19	1
			FRAUD	17	13	24	61	2	3
			FOREIGN/DOMESTIC OPERATION	0	0	0	0	0	1
			(b) (7) (E) DRUG SMUGGLING	255	207	174	177	14	13
			COUNTERTERRORISM	21	7	3	3	0	36
			HUMAN GGING/TRAFFICKING	10	10	5	7	2	25
			GENERAL ALIEN STIGATIONS	28	7	47	1	0	120
			BENEFIT FRAUD	16	11	9	4	0	25
			DOCUMENT FRAUD	13	7	4	22	2	12
				5	4	3	4	0	220
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			(b) (7) (E) - HUMAN TRAFFICKING INVESTIGATIONS (ARCHIVED)	0	0	1	0	0	0
			- CRIMINAL ALIEN INVESTIGATIONS (ARCHIVED)	0	0	1	0	0	26
			(E) - IDENTITY & BENEFIT FRAUD (IBF) INVESTIGATIONS (ARCHIVED)	3	4	6	4	7	0

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January 20, 2009 thru December 10, 2013

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2010	BU - BUFFALO,NY- SAC	AB - ALEXANDRIA BAY, NY - RAC	- FINANCIAL INVESTIGATIONS	0	1	1	0	0	0
			- GENERAL SMUGGLING	4	4	2	4	0	0
			- FRAUD	0	0	0	9	0	0
			- DRUG SMUGGLING	1	2	9	5	1	0
			- HUMAN UGGLING/TRAFFICKING	2	1	1	3	0	2
			- GENERAL ALIEN VESTIGATIONS	0	0	0	0	0	1
				7	8	13	21	1	3
	AY - ALBANY, NY - RAC	(b) (7) (E)	- FINANCIAL INVESTIGATIONS	1	2	3	10	1	1
			- GENERAL SMUGGLING	4	2	5	9	6	0
			- FRAUD	0	0	0	1	0	0
			- FOREIGN/DOMESTIC OPERATION	1	0	0	0	0	0
			- DRUG SMUGGLING	2	0	2	0	1	1
			- HUMAN UGGLING/TRAFFICKING	6	5	4	1	0	0
			- GENERAL ALIEN VESTIGATIONS	1	0	1	0	0	35
			- BENEFIT FRAUD	1	0	2	0	0	0
			- DOCUMENT FRAUD	1	1	1	1	0	0
			- COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	5	0	10
				17	10	18	27	8	47

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ENFORCEMENT STATISTICS

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2010	BU - BUFFALO,NY- SAC	BU - BUFFALO,NY-SAC	FINANCIAL INVESTIGATIONS	38	20	23	76	15	2
			MUNITIONS CONTROL	0	0	0	10	0	0
			OTHER CRIMINAL	27	1	3	8	0	1
			ILLEGAL EXPORTS	1	1	0	15	1	0
			GENERAL SMUGGLING	29	17	19	55	37	0
			FRAUD	23	14	0	73	23	0
			FOREIGN/DOMESTIC OPERATION	3	0	0	1	0	0
			(b)(7)(E) DRUG SMUGGLING	86	45	38	113	10	0
			(b)(7)(E) COUNTERTERRORISM	1	1	2	1	0	5
			HUMAN SMUGGLING/TRAFFICKING	8	5	8	2	0	13
			GENERAL ALIEN INVESTIGATIONS	7	6	5	1	0	42
			BENEFIT FRAUD	2	0	2	0	0	2
			DOCUMENT FRAUD	11	14	12	16	0	1
				7	1	10	2	1	58
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			(b)(7)(E) - JOINT TERRORISM TASK FORCE b TF) (ARCHIVED)	0	0	0	0	0	1
				243	125	122	373	87	125
		MZ - MASSENA, NY - RAC	(b)(7)(E) - FINANCIAL INVESTIGATIONS	3	3	2	5	0	0
			(b)(7)(E) - OTHER CRIMINAL	4	1	2	0	0	0
			(b)(7)(E) - GENERAL SMUGGLING	10	3	6	16	3	0

(b)(7)(E)

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2010	BU - BUFFALO, NY- SAC	MZ - MASSENA, NY - RAC	DRUG SMUGGLING	40	8	11	21	2	0
			HUMAN JUGGLING/TRAFFICKING	6	7	7	3	0	1
			COMPUTER FORENSICS - CYBER	1	0	0	2	1	0
				64	22	28	47	6	1
		RP - ROUSES POINT - RAC	FINANCIAL INVESTIGATIONS	4	6	6	15	1	2
			MUNITIONS CONTROL	0	0	1	1	0	0
			OTHER CRIMINAL	1	0	0	0	0	0
			GENERAL SMUGGLING	6	1	4	13	1	0
			FRAUD	0	0	0	3	0	0
			(b) (7) (E) FOREIGN/DOMESTIC OPERATION	1	0	0	0	0	1
			DRUG SMUGGLING	67	27	25	75	2	1
			COUNTERTERRORISM	1	0	0	1	0	1
			HUMAN JUGGLING/TRAFFICKING	16	6	12	6	0	8
			GENERAL ALIEN ESTIGATIONS	0	1	2	0	0	1
			DOCUMENT FRAUD	2	2	0	0	0	0
				98	43	50	114	4	14
		UK - BUFFALO ASSET IDENTIFICATION/REMOVAL GROUP	FINANCIAL INVESTIGATIONS	0	0	0	5	0	0
			GENERAL SMUGGLING	0	0	0	2	0	0
			FRAUD	0	0	0	1	0	0
			DRUG SMUGGLING	0	0	0	2	0	0

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2010	BU - BUFFALO,NY- SAC	YR - SYRACUSE, NY - RAC	FINANCIAL INVESTIGATIONS	0	0	0	10	0	0
			ILLEGAL EXPORTS	1	0	0	1	0	4
			GENERAL SMUGGLING	1	0	0	0	1	0
			GENERAL SMUGGLING	1	0	0	4	0	0
			DRUG SMUGGLING	8	0	9	7	0	0
			HUMAN	2	3	2	1	0	0
			JUGGLING/TRAFFICKING						
			GENERAL ALIEN ESTIGATIONS	0	0	0	0	0	2
			DOCUMENT FRAUD	1	0	0	0	0	0
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	1	2	0	0	0	18
				15	5	11	13	1	24
BU - BUFFALO,NY-SAC - Total				444	213	242	605	107	214
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	FINANCIAL INVESTIGATIONS	0	0	1	3	0	0
			GENERAL SMUGGLING	11	10	11	7	10	0
			FRAUD	2	2	0	1	0	0
			DRUG SMUGGLING	2	1	0	7	1	2
			HUMAN	4	5	5	10	8	11
			JUGGLING/TRAFFICKING						
			GENERAL ALIEN ESTIGATIONS	7	7	2	1	0	33
			DOCUMENT FRAUD	2	2	0	2	0	1
				0	0	0	0	0	19

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			(b)(7)(E) - GANG INVESTIGATIONS	12	6	9	7	0	93
				40	33	28	38	19	159
		BT - BATON ROUGE, LA - RA	(b)(7)(E) - FINANCIAL INVESTIGATIONS	1	0	0	0	0	0
			(b)(7)(E) - MUNITIONS CONTROL	2	1	1	2	1	1
			(b)(7)(E) - OTHER CRIMINAL	1	0	0	0	0	0
			(b)(7)(E) - GENERAL SMUGGLING	1	0	1	0	0	0
			(b)(7)(E) - FRAUD	0	0	0	1	0	0
			(b)(7)(E) - DRUG SMUGGLING	2	2	1	2	1	0
			(b)(7)(E) - GENERAL ALIEN INVESTIGATIONS	3	4	3	1	1	15
			(b)(7)(E) - BENEFIT FRAUD	0	1	0	0	0	2
			(b)(7)(E) - COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	4
				10	8	6	6	3	22
		FB - FT. SMITH, AR - RAC	(b)(7)(E) - FINANCIAL INVESTIGATIONS	1	1	0	0	0	1
			(b)(7)(E) - GENERAL SMUGGLING	6	4	0	3	3	0
			(b)(7)(E) - FRAUD	1	1	1	0	0	0
			(b)(7)(E) - DRUG SMUGGLING	32	25	11	17	2	0
			(b)(7)(E) - GENERAL ALIEN INVESTIGATIONS	8	7	9	0	0	31
			(b)(7)(E) - BENEFIT FRAUD	2	2	1	0	0	2

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	FB - FT. SMITH, AR - RAC	(b)(7)(E) - DOCUMENT FRAUD	1	0	0	0	0	0
			(b)(7)(E) - COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	5	0	0	3
				51	40	27	20	5	37
		FU - FAYETTEVILLE, AR - RAC	(b)(7)(E) - FINANCIAL INVESTIGATIONS	1	1	1	1	0	8
			(b)(7)(E) - OTHER CRIMINAL	1	1	0	0	0	1
			(b)(7)(E) - GENERAL SMUGGLING	3	2	5	3	0	0
			(b)(7)(E) - DRUG SMUGGLING	26	33	16	14	9	37
			(b)(7)(E) - HUMAN UGGLING/TRAFFICKING	7	5	8	1	0	16
			(b)(7)(E) - GENERAL ALIEN INVESTIGATIONS	46	33	38	1	0	87
			(b)(7)(E) - DOCUMENT FRAUD	18	12	15	12	1	15
			(b)(7)(E) - COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	10	12	5	15	2	45
			(b)(7)(E) - GANG INVESTIGATIONS	1	1	3	0	0	0
				113	100	91	47	12	209
		GU - GULFPORT, MS - RAC	(b)(7)(E) - FINANCIAL INVESTIGATIONS	3	2	2	4	0	0
			(b)(7)(E) - MUNITIONS CONTROL	1	1	0	1	0	0
			(b)(7)(E) - ILLEGAL EXPORTS	1	0	0	3	0	2
			(b)(7)(E) - GENERAL SMUGGLING	3	2	1	4	4	0
			(b)(7)(E) - FRAUD	0	2	0	3	0	0

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	GU - GULFPORT, MS - RAC	() - DRUG SMUGGLING	25	24	15	91	18	15
			(b) - HUMAN SMUGGLING/TRAFFICKING	2	0	0	1	0	9
			(b) GENERAL ALIEN INVESTIGATIONS	1	1	2	2	1	8
			(7) DOCUMENT FRAUD	0	0	0	4	1	0
			(E) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	3	1	0	5	2	3
				39	33	20	118	26	37
		HU - HOUMA, LA - RAC	OTHER CRIMINAL	1	0	0	0	0	0
			GENERAL SMUGGLING	15	3	3	4	14	0
			FRAUD	4	2	1	9	3	0
			(b) DRUG SMUGGLING	2	0	0	0	0	0
			(7) HUMAN SMUGGLING/TRAFFICKING	0	0	0	0	0	1
			(E) GENERAL ALIEN INVESTIGATIONS	1	1	2	0	0	2
			DOCUMENT FRAUD	13	7	1	4	1	1
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	1
				36	13	7	17	18	5
	JA - JACKSON, MS - RAC		02 - FINANCIAL INVESTIGATIONS	0	1	1	0	0	1
			05 - OTHER CRIMINAL	1	0	0	0	0	0

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	JA - JACKSON, MS - RAC	(b)(7)(E) GENERAL SMUGGLING	3	4	8	4	5	0
			(b)(7)(E) FRAUD	0	0	0	2	1	0
			(b)(7)(E) FOREIGN/DOMESTIC OPERATION	0	1	0	0	0	0
			(b)(7)(E) DRUG SMUGGLING	3	1	1	52	7	7
			(b)(7)(E) GENERAL ALIEN INVESTIGATIONS	3	4	2	1	0	14
			(b)(7)(E) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	3	3	3	4	2	9
				13	14	15	63	15	31
		KI - KNOXVILLE, TN - RAC	(b)(7)(E) FINANCIAL INVESTIGATIONS	1	0	1	0	0	0
			(b)(7)(E) MUNITIONS CONTROL	0	1	2	3	0	0
			(b)(7)(E) ILLEGAL EXPORTS	0	2	2	0	0	0
			(b)(7)(E) GENERAL SMUGGLING	2	3	3	2	4	0
			(b)(7)(E) FRAUD	1	1	1	1	0	0
			(b)(7)(E) DRUG SMUGGLING	32	32	1	36	1	0
			(b)(7)(E) COUNTERTERRORISM	2	1	1	3	2	3
			(b)(7)(E) HUMAN SMUGGLING/TRAFFICKING	1	4	5	2	0	18
			(b)(7)(E) GENERAL ALIEN INVESTIGATIONS	0	5	3	0	0	26
			(b)(7)(E) BENEFIT FRAUD	1	1	1	1	0	1
			(b)(7)(E) DOCUMENT FRAUD	0	0	0	1	0	0
			(b)(7)(E) COMPLIANCE/WORKSITE/	0	1	1	0	0	1

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ENFORCEMENT STATISTICS

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2010	NO - NEW ORLEANS, LA - SAC	KI - KNOXVILLE, TN - RAC	INFRASTRUCTURE PROTECTION INVESTIGATIONS	40	51	21	49	7	49
		LC - LAKE CHARLES, LA - RAC	(b) OTHER CRIMINAL	1	1	1	0	0	0
			(7) GENERAL SMUGGLING	4	5	8	12	1	0
			(E) DRUG SMUGGLING	19	20	5	33	5	0
				0	0	0	0	0	1
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	24	26	14	45	6	1
		LF - LAFAYETTE, LA - RAC	FINANCIAL INVESTIGATIONS	0	1	1	0	0	0
			GENERAL SMUGGLING	18	15	9	13	19	0
			FRAUD	1	1	1	1	0	0
			(b) DRUG SMUGGLING	2	0	2	2	0	0
			(7) HUMAN	1	1	0	0	0	0
			(E) JGGLING/TRAFFICKING						
			GENERAL ALIEN ESTIGATIONS	5	3	3	0	1	11
			BENEFIT FRAUD	0	0	1	0	0	0
				0	1	1	0	0	2
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			(b) HUMAN TRAFFICKING INVESTIGATIONS (ARCHIVED)	0	0	1	0	0	0

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2010	NO - NEW ORLEANS, LA - SAC	LR - LITTLE ROCK, AR - RAC		27	22	19	16	20	13
			MUNITIONS CONTROL	0	0	1	0	0	0
			GENERAL SMUGGLING	7	5	3	12	12	0
			FRAUD	2	1	1	9	2	0
			DRUG SMUGGLING	33	30	11	26	7	4
			(b) HUMAN	0	0	0	1	0	0
			(7) UGGLING/TRAFFICKING						
			(E) GENERAL ALIEN ESTIGATIONS	7	7	10	1	0	21
			BENEFIT FRAUD	0	1	0	0	0	0
			DOCUMENT FRAUD	9	10	3	20	3	6
				0	0	1	0	0	10
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				58	54	30	69	24	41
		ME - MEMPHIS, TN - ASAC							
			FINANCIAL INVESTIGATIONS	14	24	11	54	4	10
			MUNITIONS CONTROL	1	1	0	0	0	0
			GENERAL SMUGGLING	9	9	4	12	10	0
			(b) FRAUD	5	0	1	48	3	0
			(7) DRUG SMUGGLING	14	9	7	58	0	9
			(E) HUMAN	2	2	2	1	0	12
			UGGLING/TRAFFICKING						
			GENERAL ALIEN ESTIGATIONS	3	3	4	2	0	20
			BENEFIT FRAUD	0	1	1	0	0	0

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2010	NO - NEW ORLEANS, LA - SAC	ME - MEMPHIS, TN - ASAC	(b) - DOCUMENT FRAUD	7	10	7	12	0	8
			(7) - COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	7
		MO - MOBILE, AL - ASAC	(b) - GANG INVESTIGATIONS	1	3	2	1	0	26
				56	62	39	188	17	92
			FINANCIAL INVESTIGATIONS	2	7	1	11	0	0
			MUNITIONS CONTROL	6	8	1	4	0	0
			OTHER CRIMINAL	7	0	0	0	0	0
			(b) - GENERAL SMUGGLING	4	3	3	9	7	0
			(7) - FRAUD	7	7	4	7	1	1
			(E) - DRUG SMUGGLING	22	22	11	22	7	2
			HUMAN SMUGGLING/TRAFFICKING	1	1	1	0	0	1
			GENERAL ALIEN INVESTIGATIONS	8	6	9	1	0	85
			DOCUMENT FRAUD	5	5	5	5	2	1
			(b) - COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	3
			(b) - GANG INVESTIGATIONS	1	1	0	1	0	1
			(7) - FINANCIAL INVESTIGATIONS	24	23	7	43	14	3
	NO - NEW ORLEANS, LA - SAC		(E) - MUNITIONS CONTROL	4	4	0	23	0	4
			(b)(7)(E)						

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January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	NO - NEW ORLEANS, LA - SAC	- THEFT, LOSS, DAMAGE, & ORTAGE	2	0	0	0	0	0
			- OTHER CRIMINAL	0	0	2	0	0	1
			- ILLEGAL EXPORTS	0	1	1	0	0	0
			- GENERAL SMUGGLING	28	10	7	30	26	0
			(b) - FRAUD	4	3	1	51	6	2
			(7) - DRUG SMUGGLING	27	5	5	27	6	1
			(E) - COUNTERTERRORISM	0	2	2	0	0	1
			(E) - HUMAN SMUGGLING/TRAFFICKING	1	0	0	0	0	0
			- GENERAL ALIEN INVESTIGATIONS	1	1	3	2	0	47
			- BENEFIT FRAUD	0	0	0	0	0	2
			- DOCUMENT FRAUD	10	12	12	10	0	2
			- COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	4	4	4	3	0	12
			(b) - GANG INVESTIGATIONS	0	0	0	0	0	24
				105	65	44	189	52	99
		NV - NASHVILLE, TN - RAC	(7) - FINANCIAL INVESTIGATIONS	3	6	4	7	0	0
			(E) - MUNITIONS CONTROL	2	2	5	7	2	0
			(E) - OTHER CRIMINAL	1	1	2	2	0	1
			(E) - GENERAL SMUGGLING	2	5	2	5	4	0
			(E) - FOREIGN/DOMESTIC COOPERATION	0	0	0	0	0	1

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January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	NV - NASHVILLE, TN - RAC	DRUG SMUGGLING	7	7	1	7	1	8
			COUNTERTERRORISM	0	0	0	0	0	1
			HUMAN	14	35	0	7	0	2
			(b) UGGLING/TRAFFICKING						
			(7) GENERAL ALIEN	10	8	9	2	0	75
			(E) ESTIGATIONS						
			BENEFIT FRAUD	1	0	2	0	0	0
			DOCUMENT FRAUD	8	7	5	24	5	14
				1	0	10	0	0	7
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				49	71	40	61	12	109
		SH - SHREVEPORT, LA - RAC	FINANCIAL INVESTIGATIONS	5	2	2	4	0	0
			(b) GENERAL SMUGGLING	10	28	0	32	24	0
			) FRAUD	1	0	1	2	1	0
			(7) DRUG SMUGGLING	6	1	0	2	0	0
			) GENERAL ALIEN	1	2	2	0	0	4
			(E) ESTIGATIONS						
			) DOCUMENT FRAUD	2	1	0	1	0	0
				0	0	0	0	0	2
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				25	34	5	41	25	6
		TT - CHATTANOOGA, TN - RAC	(b) FINANCIAL INVESTIGATIONS	6	1	0	3	0	1
			(7) OTHER CRIMINAL	1	1	0	0	0	0
			(E)						

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	TT - CHATTANOOGA, TN - RAC	- GENERAL SMUGGLING	1	1	2	1	0	0
			- FRAUD	1	1	0	9	1	0
			(b) - DRUG SMUGGLING	10	9	2	11	0	0
			(7) - HUMAN	7	7	7	2	0	5
			(E) - UGGLING/TRAFFICKING						
			- GENERAL ALIEN INVESTIGATIONS	8	8	7	1	0	10
			- DOCUMENT FRAUD	3	1	3	22	1	1
			-	7	7	7	0	0	0
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			- GANG INVESTIGATIONS	0	1	0	0	0	0
				44	37	28	49	2	17
		TX - TEXARKANA, AR - RAC	(b) - GENERAL SMUGGLING	0	0	0	1	0	0
			(7) - DRUG SMUGGLING	9	3	0	5	1	2
			- HUMAN	3	1	0	0	0	25
			(E) - UGGLING/TRAFFICKING						
			- GENERAL ALIEN INVESTIGATIONS	8	8	12	2	0	22
			- BENEFIT FRAUD	1	2	1	1	0	2
			- DOCUMENT FRAUD	2	3	7	4	0	4
			-	0	0	0	0	0	4
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				23	17	20	13	1	59

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	UQ - NEW ORLEANS ASSET IDENTIFICATION/REMOVAL GROUP	(b) FINANCIAL INVESTIGATIONS	0	0	0	2	0	0
			(7) HUMAN	0	0	0	5	0	0
			(E) UGGLING/TRAFFICKING	0	0	0	5	0	0
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				0	0	0	12	0	0
NO - NEW ORLEANS, LA - SAC - Total				816	740	489	1,101	281	1,080
	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC	(b) FINANCIAL INVESTIGATIONS	37	32	30	95	1	3
			(7) GENERAL SMUGGLING	4	1	4	6	0	1
			(E) FRAUD	15	13	22	190	2	1
			REGULATORY COMPLIANCE	0	0	0	36	0	0
			DRUG SMUGGLING	288	233	203	350	21	11
			HUMAN UGGLING/TRAFFICKING	2	0	0	0	0	1
			(b) GENERAL ALIEN	1	1	1	1	0	0
			(7) INVESTIGATIONS						
			(E) BENEFIT FRAUD	1	1	1	0	0	0
			DOCUMENT FRAUD	2	1	1	4	0	1
				350	282	262	682	24	18
		LI - LONG ISLAND, NY - ASAC	FINANCIAL INVESTIGATIONS	2	4	4	9	1	1
			MUNITIONS CONTROL	0	0	0	1	0	0
			ILLEGAL EXPORTS	0	3	0	0	1	0
			GENERAL SMUGGLING	3	4	2	13	1	0

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Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2010	NY - NEW YORK, NY - SAC	LI - LONG ISLAND, NY - ASAC	FRAUD	0	1	0	5	0	0
			FOREIGN/DOMESTIC OPERATION	0	0	1	0	0	1
			DRUG SMUGGLING	36	19	2	25	3	1
			(b) COUNTERTERRORISM	0	0	0	0	0	1
			(7) HUMAN	3	4	2	13	2	14
			(E) UGGLING/TRAFFICKING						
			GENERAL ALIEN INVESTIGATIONS	0	0	1	0	0	5
				0	0	5	2	1	21
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			GANG INVESTIGATIONS	56	21	16	5	0	26
				100	56	33	73	9	70
		LL - CASTLE POINT, NY - RAC	FINANCIAL INVESTIGATIONS	2	2	0	4	2	0
			GENERAL SMUGGLING	0	1	0	0	0	0
			(b) DRUG SMUGGLING	1	0	10	1	0	3
			(7) HUMAN	2	3	0	8	1	0
			(E) UGGLING/TRAFFICKING						
			GENERAL ALIEN INVESTIGATIONS	2	2	2	0	0	3
			BENEFIT FRAUD	2	3	1	0	0	0
				0	13	14	0	0	4
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			(b) - GANG INVESTIGATIONS	80	83	0	4	0	7
			(7)(E)						

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Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2010	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC		89	107	27	17	3	17
			FINANCIAL INVESTIGATIONS	130	112	56	206	9	6
			MUNITIONS CONTROL	2	1	0	9	0	0
			OTHER CRIMINAL	6	4	16	5	0	1
			ILLEGAL EXPORTS	0	0	0	14	5	0
			GENERAL SMUGGLING	7	9	14	82	29	3
			FRAUD	41	14	14	289	12	4
			FOREIGN/DOMESTIC OPERATION	1	0	0	0	0	1
			(b)(7)(E) DRUG SMUGGLING	296	244	221	267	40	22
			(b)(7)(E) COUNTERTERRORISM	10	11	15	5	0	35
			HUMAN TRAFFICKING/TRAFFICKING	34	44	14	71	0	88
			GENERAL ALIEN INVESTIGATIONS	13	4	10	0	0	89
			BENEFIT FRAUD	69	62	23	25	5	17
			DOCUMENT FRAUD	66	37	22	48	3	17
			COMPLIANCE/WORKSITE/INFRASTRUCTURE PROTECTION INVESTIGATIONS	16	26	5	14	1	324
			(b)(7)(E) CRIMINAL ALIEN INVESTIGATIONS (ARCHIVED)	0	0	0	0	0	5
			(b)(7)(E) IDENTITY & BENEFIT FRAUD (IBF) INVESTIGATIONS (ARCHIVED)	4	7	4	0	0	0
			(b)(7)(E) ALIEN SMUGGLING ORGANIZATIONS INVESTIGATIONS	0	1	0	0	0	0

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2010	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC	(ARCHIVED)						
			- GANG INVESTIGATIONS	67	13	13	7	0	37
				762	589	427	1,042	104	649
		UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP	(b) - FINANCIAL INVESTIGATIONS	5	5	2	37	1	0
			(b) - FRAUD	0	0	0	9	0	0
			(7) - DRUG SMUGGLING	0	0	0	76	1	0
			(b) - GENERAL ALIEN INVESTIGATIONS	0	0	0	1	0	0
			(E) - COMPLIANCE/WORKSITE/INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	1	0	0
			- IDENTITY & BENEFIT FRAUD (IBF) INVESTIGATIONS (ARCHIVED)	0	0	0	1	0	0
				5	5	2	125	2	0
		NY - NEW YORK, NY - SAC - Total		1,306	1,039	751	1,939	142	754
2010 - Total				2,566	1,992	1,482	3,645	530	2,048

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2011	BU - BUFFALO,NY- SAC	AB - ALEXANDRIA BAY, NY - RAC	- FINANCIAL INVESTIGATIONS	0	0	0	7	1	0
			- GENERAL SMUGGLING	0	2	2	6	2	0
			- FRAUD	2	2	0	3	2	0
			- DRUG SMUGGLING	21	26	5	17	0	0
			- HUMAN SMUGGLING/TRAFFICKING	2	1	2	0	0	0
			- DOCUMENT FRAUD	1	1	1	0	0	0
				26	32	10	33	5	0
		AY - ALBANY, NY - RAC	(b) - FINANCIAL INVESTIGATIONS	0	0	1	5	0	0
			(7) - MUNITIONS CONTROL	0	0	0	6	1	0
			(E) - OTHER CRIMINAL	3	0	0	0	0	0
			) - GENERAL SMUGGLING	8	3	8	24	7	0
			- FRAUD	0	0	0	14	0	0
			- DRUG SMUGGLING	3	7	7	0	0	0
			- COUNTERTERRORISM	0	0	0	0	0	1
			- HUMAN SMUGGLING/TRAFFICKING	3	6	5	3	1	0
			- GENERAL ALIEN INVESTIGATIONS	5	1	2	0	0	23
			- BENEFIT FRAUD	1	3	3	0	0	3
			- COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	2	0	1
				23	20	26	54	9	28
	BU - BUFFALO,NY-SAC	(b) (7)	FINANCIAL INVESTIGATIONS	17	26	35	81	24	2

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January 20, 2009 thru December 10, 2013

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2011	BU - BUFFALO,NY- SAC	BU - BUFFALO,NY-SAC	MUNITIONS CONTROL	1	1	1	12	0	0
			OTHER CRIMINAL	30	3	1	7	1	1
			ILLEGAL EXPORTS	0	3	1	16	1	0
			GENERAL SMUGGLING	37	42	29	95	39	0
			FRAUD	5	4	1	78	6	0
			FOREIGN/DOMESTIC OPERATION	3	2	1	4	0	0
		(b) (7) (E)	DRUG SMUGGLING	71	53	57	126	11	2
			COUNTERTERRORISM	3	2	1	9	1	0
			HUMAN SMUGGLING/TRAFFICKING	18	8	9	23	25	2
			GENERAL ALIEN INVESTIGATIONS	8	8	7	3	0	55
			BENEFIT FRAUD	8	6	4	2	0	11
			DOCUMENT FRAUD	10	17	8	11	0	5
				8	3	1	10	2	31
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			GANG INVESTIGATIONS	7	1	1	5	2	1
				226	179	157	482	112	110
		MZ - MASSENA, NY - RAC	(b) FINANCIAL INVESTIGATIONS	0	0	2	6	0	0
			(7) GENERAL SMUGGLING	4	3	2	6	8	2
			(E) FRAUD	1	0	0	7	3	0
			DRUG SMUGGLING	22	3	3	39	4	0
			COUNTERTERRORISM	1	0	0	2	0	0

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2011	BU - BUFFALO,NY- SAC	MZ - MASSENA, NY - RAC	HUMAN JUGGLING/TRAFFICKING	7	3	4	4	0	3
			GENERAL ALIEN ESTIGATIONS	1	0	1	1	0	1
			DOCUMENT FRAUD	1	1	1	0	0	0
				0	0	0	0	0	2
			COMPLIANCE/WORKSITE/ RASTRUCTURE PROTECTION ESTIGATIONS						
				37	10	13	65	15	8
		RP - ROUSES POINT - RAC	(b) FINANCIAL INVESTIGATIONS	3	2	1	20	1	0
			(7) MUNITIONS CONTROL	3	0	0	2	1	0
			(E) THEFT, LOSS, DAMAGE, & ORTAGE	0	0	0	1	0	0
			OTHER CRIMINAL	4	0	0	0	0	0
			GENERAL SMUGGLING	5	5	3	15	5	1
			FRAUD	0	0	0	15	0	0
			DRUG SMUGGLING	62	21	19	79	1	0
			COUNTERTERRORISM	0	1	1	0	0	0
			HUMAN JUGGLING/TRAFFICKING	15	7	9	9	0	1
			DOCUMENT FRAUD	1	0	2	0	0	0
				0	0	0	0	0	4
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				93	36	35	141	8	6

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2011	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	HUMAN GGING/TRAFFICKING	10	9	9	8	3	21
			GENERAL ALIEN STIGATIONS	38	35	26	1	0	111
			DOCUMENT FRAUD	7	6	3	11	1	10
			PLIANCE/WORKSITE/ ASTRUCTURE PROTECTION STIGATIONS	0	0	0	1	0	11
			GANG INVESTIGATIONS	5	2	5	1	0	15
				82	72	65	57	35	173
		BT - BATON ROUGE, LA - RA	(b) FINANCIAL INVESTIGATIONS	3	3	0	7	1	1
			(7) OTHER CRIMINAL	1	1	1	0	0	0
			(E) GENERAL SMUGGLING	3	3	0	1	3	0
			FRAUD	15	12	2	31	5	4
			FOREIGN/DOMESTIC PERATION	1	0	0	0	0	0
			DRUG SMUGGLING	1	1	0	2	2	2
			HUMAN GGING/TRAFFICKING	15	15	0	0	0	7
			GENERAL ALIEN STIGATIONS	19	8	15	3	2	20
			BENEFIT FRAUD	1	1	0	0	0	0
			DOCUMENT FRAUD	3	4	3	3	0	5
				0	0	0	0	0	8
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						

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2011	NO - NEW ORLEANS, LA - SAC	FB - FT. SMITH, AR - RAC	FINANCIAL INVESTIGATIONS	62	48	21	47	13	47
			GENERAL SMUGGLING	0	0	1	0	0	0
			DRUG SMUGGLING	0	0	2	0	0	0
			DRUG SMUGGLING	9	14	24	14	4	4
			GENERAL ALIEN ESTIGATIONS	3	3	5	0	0	38
			BENEFIT FRAUD	14	14	10	0	0	10
				26	31	42	14	4	52
		FU - FAYETTEVILLE, AR - RAC	(b) FINANCIAL INVESTIGATIONS	13	9	0	22	12	24
			(7) OTHER CRIMINAL	0	0	1	0	0	0
			(E) GENERAL SMUGGLING	13	12	4	12	4	0
			DRUG SMUGGLING	10	9	14	6	1	11
			HUMAN UGGLING/TRAFFICKING	0	0	1	0	0	0
			GENERAL ALIEN ESTIGATIONS	30	37	38	0	0	19
			BENEFIT FRAUD	1	1	1	0	1	1
			DOCUMENT FRAUD	5	5	7	0	0	2
				7	5	8	27	7	44
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			GANG INVESTIGATIONS	14	13	4	0	0	6
			(b)	93	91	78	67	25	107
			(7)						
		GU - GULFPORT, MS - RAC	(E) FINANCIAL INVESTIGATIONS	2	1	0	9	0	5

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CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2011	NO - NEW ORLEANS, LA - SAC	GU - GULFPORT, MS - RAC	MUNITIONS CONTROL	0	0	1	0	0	0
			ILLEGAL EXPORTS	2	4	2	2	1	0
			GENERAL SMUGGLING	0	0	0	2	3	0
			FRAUD	0	2	1	6	1	0
			(b) DRUG SMUGGLING	11	9	18	6	7	2
			(7) HUMAN	3	2	2	1	1	0
			(E) UGGLING/TRAFFICKING						
			GENERAL ALIEN ESTIGATIONS	2	2	2	1	0	6
			BENEFIT FRAUD	1	1	0	3	1	5
			DOCUMENT FRAUD	9	28	0	15	5	0
				1	1	4	0	1	3
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				31	50	30	45	20	21
		HU - HOUMA, LA - RAC	FINANCIAL INVESTIGATIONS	1	1	1	0	0	0
			GENERAL SMUGGLING	7	8	5	9	3	0
			FRAUD	0	0	1	5	0	0
			(b) FOREIGN/DOMESTIC	1	0	0	0	0	0
			(7) OPERATION						
			(E) REGULATORY COMPLIANCE	1	1	1	0	0	0
			DRUG SMUGGLING	2	1	1	0	2	0
			GENERAL ALIEN ESTIGATIONS	7	2	1	0	0	73
			DOCUMENT FRAUD	17	9	9	3	0	3

(b)(7)(E)

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2011	NO - NEW ORLEANS, LA - SAC	HU - HOUMA, LA - RAC	(b) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	2	0	0	0	0	4
				38	22	19	17	5	80
		JA - JACKSON, MS - RAC	FINANCIAL INVESTIGATIONS	1	2	1	7	0	2
			MUNITIONS CONTROL	0	0	0	0	0	1
			OTHER CRIMINAL	2	2	0	1	1	0
			GENERAL SMUGGLING	5	2	1	7	6	0
			FOREIGN/DOMESTIC OPERATION	1	0	1	0	0	2
			DRUG SMUGGLING	31	27	5	22	4	1
			HUMAN SMUGGLING/TRAFFICKING	2	2	0	0	0	9
			GENERAL ALIEN INVESTIGATIONS	6	4	5	0	0	36
		(b) (7) (E)	DOCUMENT FRAUD	3	3	0	4	1	0
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	2	3	0	1	1	3
				53	45	13	42	13	54
		KI - KNOXVILLE, TN - RAC	FINANCIAL INVESTIGATIONS	0	0	0	1	1	0
			MUNITIONS CONTROL	1	1	1	1	1	0
			OTHER CRIMINAL	1	1	0	1	0	0
			GENERAL SMUGGLING	2	0	2	10	5	0
			DRUG SMUGGLING	15	10	37	14	0	3

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2011	NO - NEW ORLEANS, LA - SAC	KI - KNOXVILLE, TN - RAC	COUNTERTERRORISM	0	0	1	0	0	0
			HUMAN UGGLING/TRAFFICKING	5	5	3	2	0	0
			(b) (7) (E) GENERAL ALIEN INVESTIGATIONS	3	4	7	0	1	18
			BENEFIT FRAUD	1	1	1	1	0	1
			DOCUMENT FRAUD	0	0	0	1	0	0
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	4
				28	22	52	31	8	26
		LC - LAKE CHARLES, LA - RAC	FINANCIAL INVESTIGATIONS	3	2	2	1	0	0
			GENERAL SMUGGLING	5	5	3	12	2	0
			FRAUD	0	0	0	2	0	0
			DRUG SMUGGLING	1	3	15	3	0	0
			GENERAL ALIEN INVESTIGATIONS	1	1	0	0	0	7
			(b) (7) (E) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	8	2	9
				10	11	20	26	4	16
		LF - LAFAYETTE, LA - RAC	GENERAL SMUGGLING	21	18	10	12	8	0
			FRAUD	0	0	2	3	1	0
			DRUG SMUGGLING	7	12	5	8	1	0
			HUMAN	2	3	2	2	0	4

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2011	NO - NEW ORLEANS, LA - SAC	LF - LAFAYETTE, LA - RAC	SMUGGLING/TRAFFICKING						
			GENERAL ALIEN INVESTIGATIONS	2	1	1	0	0	6
			BENEFIT FRAUD	1	1	1	0	0	1
			DOCUMENT FRAUD	0	0	0	3	0	2
				1	0	0	2	1	12
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			GANG INVESTIGATIONS	0	0	0	0	0	1
				34	35	21	30	11	26
		LR - LITTLE ROCK, AR - RAC	(b) FINANCIAL INVESTIGATIONS	0	0	0	3	0	0
			(7) MUNITIONS CONTROL	7	4	4	0	0	1
			(E) GENERAL SMUGGLING	8	7	8	10	6	0
			FRAUD	1	1	1	2	0	0
			DRUG SMUGGLING	11	11	32	20	5	6
			HUMAN SMUGGLING/TRAFFICKING	1	1	0	1	1	26
			GENERAL ALIEN INVESTIGATIONS	4	5	6	0	0	9
			DOCUMENT FRAUD	1	2	8	0	0	0
				0	0	0	0	0	4
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				33	31	59	36	12	46
		ME - MEMPHIS, TN - ASAC	(b) FINANCIAL INVESTIGATIONS	1	2	5	9	1	0
			(7)						

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2011	NO - NEW ORLEANS, LA - SAC	ME - MEMPHIS, TN - ASAC	(b)(7)(E) - MUNITIONS CONTROL	1	1	3	1	0	0
			(b)(7)(E) - OTHER CRIMINAL	1	0	1	0	0	0
			(b)(7)(E) - GENERAL SMUGGLING	9	7	10	26	12	0
			(b)(7)(E) - FRAUD	29	29	6	195	7	7
			(b)(7)(E) - DRUG SMUGGLING	15	8	7	72	2	1
			(b)(7)(E) - GENERAL ALIEN INVESTIGATIONS	4	6	5	2	0	22
			(b)(7)(E) - BENEFIT FRAUD	1	0	0	0	0	0
			(b)(7)(E) - DOCUMENT FRAUD	4	4	5	13	2	6
			(b)(7)(E) - COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	10
			(b)(7)(E) - GANG INVESTIGATIONS	12	11	2	4	0	6
				77	68	44	322	24	52
		MO - MOBILE, AL - ASAC	(b)(7)(E) - FINANCIAL INVESTIGATIONS	12	10	10	13	2	0
			(b)(7)(E) - MUNITIONS CONTROL	1	3	5	1	0	0
			(b)(7)(E) - THEFT, LOSS, DAMAGE, & PORTAGE	4	0	0	0	0	4
			(b)(7)(E) - OTHER CRIMINAL	1	1	0	0	1	1
			(b)(7)(E) - GENERAL SMUGGLING	5	6	4	9	4	0
			(b)(7)(E) - FRAUD	0	0	3	6	0	0
			(b)(7)(E) - DRUG SMUGGLING	58	58	40	40	6	5
			(b)(7)(E) - HUMAN SMUGGLING/TRAFFICKING	1	1	1	0	0	0
			(b)(7)(E) - GENERAL ALIEN	25	16	18	2	0	88

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2011	NO - NEW ORLEANS, LA - SAC	MO - MOBILE, AL - ASAC	INVESTIGATIONS						
			- BENEFIT FRAUD	17	17	12	1	0	4
			- DOCUMENT FRAUD	5	6	5	12	1	4
			- COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	1	1	1	0	0	9
			- GANG INVESTIGATIONS	2	0	1	0	0	0
				132	119	100	84	14	115
		NO - NEW ORLEANS, LA - SAC	- FINANCIAL INVESTIGATIONS	12	10	10	45	11	34
			- MUNITIONS CONTROL	19	16	15	20	1	13
			- THEFT, LOSS, DAMAGE, & MORTGAGE	0	0	2	0	0	0
			(b) - ILLEGAL EXPORTS	0	0	0	1	0	0
			(7) - GENERAL SMUGGLING	6	5	5	10	9	0
			(E) - FRAUD	7	4	4	195	3	0
			- DRUG SMUGGLING	29	12	12	32	4	2
			- COUNTERTERRORISM	3	0	0	1	1	1
			- GENERAL ALIEN INVESTIGATIONS	3	4	4	3	0	30
			- BENEFIT FRAUD	2	1	1	2	0	1
			- DOCUMENT FRAUD	7	6	7	17	0	4
			- COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	1	0	0	6	3	23
			- GANG INVESTIGATIONS	0	0	0	0	0	12

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BU, NO, NY

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2011	NO - NEW ORLEANS, LA - SAC	NV - NASHVILLE, TN - RAC	(b)(7)(E) FINANCIAL INVESTIGATIONS	89	58	60	332	32	120
			(b)(7)(E) MUNITIONS CONTROL	3	2	4	9	2	2
			(b)(7)(E) OTHER CRIMINAL	4	6	5	1	0	0
			(b)(7)(E) GENERAL SMUGGLING	0	0	1	0	0	0
			(b)(7)(E) FRAUD	0	1	5	2	1	0
			(b)(7)(E) DRUG SMUGGLING	0	0	0	3	1	0
			(b)(7)(E) HUMAN	25	36	3	16	3	2
			(b)(7)(E) IGGLING/TRAFFICKING	12	12	11	6	4	12
			(b)(7)(E) GENERAL ALIEN ESTIGATIONS	13	6	9	6	1	57
			(b)(7)(E) BENEFIT FRAUD	0	0	1	0	0	0
			(b)(7)(E) DOCUMENT FRAUD	1	2	5	3	0	1
			(b)(7)(E)	1	0	2	0	0	6
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			(b)(7)(E) EMPLOYERS OF UNAUTHORIZED EN INVESTIGATIONS (ARCHIVED)	0	0	0	0	0	1
				59	65	46	46	12	81
		SH - SHREVEPORT, LA - RAC	(b)(7)(E) FINANCIAL INVESTIGATIONS	1	0	2	2	0	0
			(b)(7)(E) GENERAL SMUGGLING	43	51	27	39	45	0
			(b)(7)(E) FRAUD	1	0	0	3	1	0
			(b)(7)(E) DRUG SMUGGLING	1	1	4	1	0	0
			(b)(7)(E) HUMAN SMUGGLING/TRAFFICKING	6	6	6	2	1	0

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2011	NO - NEW ORLEANS, LA - SAC	SH - SHREVEPORT, LA - RAC	(b) GENERAL ALIEN INVESTIGATIONS	3	3	2	2	0	5
			(7) DOCUMENT FRAUD	0	0	1	1	0	0
			(E) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	1
				55	61	42	50	47	6
		TT - CHATTANOOGA, TN - RAC	FINANCIAL INVESTIGATIONS	5	6	3	6	0	1
			OTHER CRIMINAL	0	0	1	0	0	0
			GENERAL SMUGGLING	5	5	3	4	5	0
			FRAUD	1	1	0	4	1	0
			DRUG SMUGGLING	5	4	7	1	0	0
			HUMAN SMUGGLING/TRAFFICKING	8	8	7	0	0	10
			GENERAL ALIEN INVESTIGATIONS	0	1	5	0	0	0
			(b) BENEFIT FRAUD	2	0	2	0	0	0
			(7) DOCUMENT FRAUD	14	12	9	9	1	0
			(E) GANG INVESTIGATIONS	19	13	12	0	0	2
				59	50	49	24	7	13
	TX - TEXARKANA, AR - RAC		FINANCIAL INVESTIGATIONS	1	0	0	0	0	0
			OTHER CRIMINAL	1	0	0	0	0	0
			GENERAL SMUGGLING	1	0	0	3	2	0
			DRUG SMUGGLING	3	2	3	19	1	0
			HUMAN	4	4	4	0	0	13

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January 20, 2009 thru December 10, 2013

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2011	NO - NEW ORLEANS, LA - SAC	TX - TEXARKANA, AR - RAC	SMUGGLING/TRAFFICKING						
			(b) GENERAL ALIEN INVESTIGATIONS	5	6	6	0	0	13
			(7) BENEFIT FRAUD	1	2	2	0	0	0
			(E) DOCUMENT FRAUD	6	7	6	5	1	6
				0	1	0	0	0	1
			COMPLIANCE/WORKSITE/INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			(b) GANG INVESTIGATIONS	3	5	4	2	1	5
				25	27	25	29	5	38
		UQ - NEW ORLEANS ASSET IDENTIFICATION/REMOVAL GROUP	FRAUD	0	0	0	2	0	0
				0	0	0	2	0	0
			(b) NO - NEW ORLEANS, LA - SAC - Total	986	906	786	1,301	291	1,073
			(7) FINANCIAL INVESTIGATIONS	18	17	15	75	0	1
	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC	(E) MUNITIONS CONTROL	1	0	0	1	0	0
			() OTHER CRIMINAL	1	0	0	0	0	0
			GENERAL SMUGGLING	21	16	11	49	1	2
			FRAUD	6	9	4	132	1	1
			REGULATORY COMPLIANCE	0	0	0	10	0	0
			DRUG SMUGGLING	250	222	209	315	3	6
			HUMAN SMUGGLING/TRAFFICKING	1	0	0	10	0	0

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2011	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC	(b)(7)(E) - BENEFIT FRAUD	0	0	1	0	0	0
			(b)(7)(E) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	1	0	0	1	0	0
				299	264	240	593	5	10
		LI - LONG ISLAND, NY - ASAC	FINANCIAL INVESTIGATIONS	2	1	1	7	1	0
			MUNITIONS CONTROL	0	0	0	0	1	0
			GENERAL SMUGGLING	4	4	11	7	0	0
			FRAUD	0	0	0	1	0	0
			FOREIGN/DOMESTIC OPERATION	0	0	1	0	0	0
			DRUG SMUGGLING	29	12	15	13	2	1
			HUMAN SMUGGLING/TRAFFICKING	2	0	5	0	2	2
		(b)(7)(E)	GENERAL ALIEN INVESTIGATIONS	0	0	0	0	0	9
			(b)(7)(E) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	12	0	1	1	0	22
			GANG INVESTIGATIONS	43	49	39	6	0	38
				92	66	73	35	6	72
		LL - CASTLE POINT, NY - RAC	FINANCIAL INVESTIGATIONS	1	0	2	4	0	0
			MUNITIONS CONTROL	0	0	0	2	0	0
			GENERAL SMUGGLING	2	0	1	5	3	0
			DRUG SMUGGLING	26	2	3	2	1	3

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2011	NY - NEW YORK, NY - SAC	LL - CASTLE POINT, NY - RAC	HUMAN UGGLING/TRAFFICKING	5	3	4	3	1	0
			GENERAL ALIEN ESTIGATIONS	23	0	0	0	0	0
			BENEFIT FRAUD	2	2	4	0	0	1
			DOCUMENT FRAUD	0	0	0	1	0	0
				0	0	0	0	0	1
			MPLIANCE/WORKSITE/ RASTRUCTURE PROTECTION ESTIGATIONS						
			GANG INVESTIGATIONS	56	63	69	4	0	33
				115	70	83	21	5	38
		NY - NEW YORK, NY - SAC	(b) FINANCIAL INVESTIGATIONS	104	69	69	170	10	8
			(7) MUNITIONS CONTROL	3	2	0	6	0	0
			(E) OTHER CRIMINAL	2	1	4	0	0	0
			ILLEGAL EXPORTS	2	2	1	10	16	0
			GENERAL SMUGGLING	60	50	27	134	43	1
			FRAUD	55	26	28	159	27	4
			FOREIGN/DOMESTIC OPERATION	0	0	0	0	0	1
			REGULATORY COMPLIANCE	1	0	0	0	0	0
			DRUG SMUGGLING	435	298	228	290	16	7
			COUNTERTERRORISM	5	2	1	5	1	29
			HUMAN UGGLING/TRAFFICKING	30	44	45	94	26	93
			GENERAL ALIEN ESTIGATIONS	7	8	11	6	5	73

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2011	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC	BENEFIT FRAUD	41	35	23	47	3	44
			DOCUMENT FRAUD	222	141	141	31	2	10
				25	16	21	11	2	168
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			HUMAN TRAFFICKING INVESTIGATIONS (ARCHIVED)	1	1	1	0	0	0
			IDENTITY & BENEFIT FRAUD (IBF) INVESTIGATIONS (ARCHIVED)	12	13	4	0	0	0
			(b) (7) JOINT TERRORISM TASK FORCE (E) F (ARCHIVED)	1	0	1	0	0	0
			) GANG INVESTIGATIONS	146	122	27	44	5	91
				1,152	830	632	1,007	156	529
		UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP	FINANCIAL INVESTIGATIONS	11	8	1	63	0	0
			FRAUD	0	0	0	4	1	0
			DRUG SMUGGLING	0	0	0	9	0	0
			HUMAN SMUGGLING/TRAFFICKING	0	0	0	1	0	0
			BENEFIT FRAUD	0	0	0	3	0	0
				0	0	0	2	0	0
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			(b) (7) IDENTITY & BENEFIT FRAUD (IBF) INVESTIGATIONS (ARCHIVED)	0	0	0	1	0	0
				11	8	1	83	1	0

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ENFORCEMENT STATISTICS

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2011	NY - NEW YORK, NY - SAC - Total			1,669	1,238	1,029	1,739	173	649
2011 - Total				3,097	2,430	2,075	3,848	616	1,894

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ENFORCEMENT STATISTICS

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2012	BU - BUFFALO,NY- SAC	AB - ALEXANDRIA BAY, NY - RAC	FINANCIAL INVESTIGATIONS	0	0	0	1	0	0
			GENERAL SMUGGLING	5	0	1	7	4	0
			FRAUD	0	0	2	0	0	0
			DRUG SMUGGLING	1	17	13	0	0	0
			HUMAN JUGGLING/TRAFFICKING	2	3	2	2	0	0
			DOCUMENT FRAUD	1	0	0	1	0	0
				9	20	18	11	4	0
		AY - ALBANY, NY - RAC	FINANCIAL INVESTIGATIONS	2	0	0	14	3	0
			(b) MUNITIONS CONTROL	0	0	0	5	1	0
			(7) OTHER CRIMINAL	0	1	2	0	0	0
			(E) ILLEGAL EXPORTS	0	0	0	5	0	0
			GENERAL SMUGGLING	3	4	5	19	6	0
			FRAUD	0	0	0	7	1	0
			DRUG SMUGGLING	29	11	0	17	7	0
			HUMAN JUGGLING/TRAFFICKING	3	1	0	0	0	0
			GENERAL ALIEN ESTIGATIONS	3	2	2	1	0	27
			BENEFIT FRAUD	0	1	1	0	0	0
				0	0	0	0	0	3
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				40	20	10	68	18	30
	BU - BUFFALO,NY-SAC		(b) FINANCIAL INVESTIGATIONS	37	67	29	70	16	2
			(7)						

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ENFORCEMENT STATISTICS

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2012	BU - BUFFALO,NY- SAC	BU - BUFFALO,NY-SAC	MUNITIONS CONTROL	2	0	1	7	2	1
			OTHER CRIMINAL	35	2	2	10	8	1
			ILLEGAL EXPORTS	0	2	0	8	2	0
			GENERAL SMUGGLING	29	23	24	84	31	0
			FRAUD	25	16	7	140	22	0
			FOREIGN/DOMESTIC OPERATION	2	0	1	0	0	0
			(b)(7)(E) DRUG SMUGGLING	133	35	48	134	39	1
			(E) COUNTERTERRORISM	4	0	0	25	0	5
			HUMAN JUGGLING/TRAFFICKING	26	6	3	13	10	4
			GENERAL ALIEN ESTIGATIONS	12	4	4	3	1	43
			BENEFIT FRAUD	0	6	2	1	0	1
			DOCUMENT FRAUD	15	12	16	17	0	16
				12	9	7	6	1	27
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			(b)(7)(E) - GANG INVESTIGATIONS	40	45	7	0	2	3
				372	227	151	518	134	104
		MZ - MASSENA, NY - RAC	(b)(7)(E) - FINANCIAL INVESTIGATIONS	3	4	0	4	0	0
			(b)(7)(E) - OTHER CRIMINAL	4	1	1	1	0	1
			(E) - ILLEGAL EXPORTS	0	0	0	6	0	0
			(b)(7)(E) - GENERAL SMUGGLING	14	8	3	19	7	3
			(b)(7)(E) - DRUG SMUGGLING	40	5	3	36	4	0

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2012	BU - BUFFALO, NY - SAC	MZ - MASSENA, NY - RAC	COUNTERTERRORISM	0	1	1	0	0	0
			HUMAN SMUGGLING/TRAFFICKING	31	13	13	44	1	16
			BENEFIT FRAUD	1	0	0	0	0	0
				93	32	21	110	12	20
		RP - ROUSES POINT - RAC	(b) FINANCIAL INVESTIGATIONS	10	6	4	35	2	0
			(7) MUNITIONS CONTROL	1	0	0	2	0	0
			(E) OTHER CRIMINAL	24	6	4	9	0	1
			GENERAL SMUGGLING	4	2	2	13	0	7
			FRAUD	0	0	0	4	0	0
			FOREIGN/DOMESTIC OPERATION	5	0	0	0	0	0
			DRUG SMUGGLING	95	36	7	40	4	0
			HUMAN SMUGGLING/TRAFFICKING	11	8	8	10	0	4
			GENERAL ALIEN INVESTIGATIONS	0	0	0	0	0	1
				150	58	25	113	6	13
		UK - BUFFALO ASSET IDENTIFICATION/REMOVAL GROUP	(b) FRAUD	0	0	0	1	0	0
			(7)	0	0	0	1	0	0
			(E)	0	0	0	1	0	0
		YR - SYRACUSE, NY - RAC	FINANCIAL INVESTIGATIONS	1	0	0	1	0	0
			MUNITIONS CONTROL	0	0	0	1	0	0
			OTHER CRIMINAL	1	0	0	0	0	2

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January 20, 2009 thru December 10, 2013

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2012	BU - BUFFALO,NY- SAC	YR - SYRACUSE, NY - RAC	ILLEGAL EXPORTS	0	1	1	0	0	0
			GENERAL SMUGGLING	2	1	3	0	0	0
			DRUG SMUGGLING	66	11	7	4	12	0
			HUMAN	2	2	2	0	0	0
			UGGLING/TRAFFICKING						
			GENERAL ALIEN	3	0	0	0	0	14
			ESTIGATIONS						
			BENEFIT FRAUD	1	0	2	1	1	0
			DOCUMENT FRAUD	1	2	2	2	1	7
				2	4	4	2	0	21
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				79	21	21	11	14	44
BU - BUFFALO,NY-SAC - Total				743	378	246	832	188	211
NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC		FINANCIAL INVESTIGATIONS	0	0	0	4	0	0
			MUNITIONS CONTROL	0	0	0	6	2	0
			OTHER CRIMINAL	3	2	1	2	1	1
			GENERAL SMUGGLING	18	24	14	14	31	0
			FRAUD	1	3	2	30	1	1
			FOREIGN/DOMESTIC	1	0	0	1	0	0
			OPERATION						
			DRUG SMUGGLING	3	1	0	5	2	2
			COUNTERTERRORISM	2	0	2	0	0	1
			HUMAN	7	7	8	4	5	16
			SMUGGLING/TRAFFICKING						

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2012	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	GENERAL ALIEN INVESTIGATIONS	17	18	14	4	0	30
			DOCUMENT FRAUD	5	5	7	15	1	6
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	5
			GANG INVESTIGATIONS	8	5	4	3	0	47
				65	65	52	88	43	109
		BT - BATON ROUGE, LA - RA	FINANCIAL INVESTIGATIONS	2	2	1	10	1	7
			OTHER CRIMINAL	9	9	0	0	0	13
			GENERAL SMUGGLING	9	9	7	10	6	0
			(b) FRAUD	6	7	2	6	0	0
			(7) FOREIGN/DOMESTIC	1	0	0	0	0	0
			(E) OPERATION						
			DRUG SMUGGLING	3	3	0	9	2	3
			HUMAN SMUGGLING/TRAFFICKING	36	36	2	1	0	6
			GENERAL ALIEN INVESTIGATIONS	30	37	17	2	0	30
			BENEFIT FRAUD	6	6	6	0	0	5
			DOCUMENT FRAUD	1	0	0	0	0	0
				103	109	35	38	9	64
		FB - FT. SMITH, AR - RAC	GENERAL SMUGGLING	1	0	1	0	0	0
			DRUG SMUGGLING	27	22	7	29	6	0
			GENERAL ALIEN	1	1	2	0	0	3

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2012	NO - NEW ORLEANS, LA - SAC	FB - FT. SMITH, AR - RAC	INVESTIGATIONS						
			BENEFIT FRAUD	10	9	11	0	0	8
			DOCUMENT FRAUD	1	1	0	1	0	1
				40	33	21	30	6	12
		FU - FAYETTEVILLE, AR - RAC	FINANCIAL INVESTIGATIONS	9	16	13	4	2	5
			GENERAL SMUGGLING	13	19	16	23	16	0
			DRUG SMUGGLING	11	11	7	8	8	4
			GENERAL ALIEN ESTIGATIONS	2	2	10	0	0	3
			BENEFIT FRAUD	0	0	0	2	2	0
			(b) DOCUMENT FRAUD	5	1	2	3	0	8
			)	2	2	4	1	1	11
			(7) MPLIANCE/WORKSITE/ RASTRUCTURE PROTECTION						
			(E) ESTIGATIONS						
			) GANG INVESTIGATIONS	0	0	3	0	0	0
				42	51	55	41	29	31
		GU - GULFPORT, MS - RAC	FINANCIAL INVESTIGATIONS	0	0	1	8	6	0
			ILLEGAL EXPORTS	0	3	2	0	0	0
			GENERAL SMUGGLING	3	1	2	4	2	0
			FRAUD	1	1	1	15	3	0
			DRUG SMUGGLING	65	55	17	22	5	0
			HUMAN UGGLING/TRAFFICKING	3	5	2	7	2	1
			GENERAL ALIEN INVESTIGATIONS	6	5	5	2	0	8

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2012	NO - NEW ORLEANS, LA - SAC	GU - GULFPORT, MS - RAC	- BENEFIT FRAUD	0	0	1	0	0	0
			- DOCUMENT FRAUD	3	4	11	6	0	2
			- COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	6	6	5	7	4	19
				87	80	47	71	22	30
		HU - HOUMA, LA - RAC	- FINANCIAL INVESTIGATIONS	5	2	2	0	0	0
			- OTHER CRIMINAL	2	1	1	0	0	0
			- GENERAL SMUGGLING	10	8	5	4	13	0
			(b) - FRAUD	3	1	0	6	1	0
			) - DRUG SMUGGLING	27	4	0	11	3	1
			(7 - GENERAL ALIEN	3	1	1	0	0	53
			) INVESTIGATIONS						
			(E - DOCUMENT FRAUD	13	11	9	0	0	1
			) - COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	2
				63	28	18	21	17	57
		JA - JACKSON, MS - RAC	- FINANCIAL INVESTIGATIONS	1	0	1	10	1	3
			- OTHER CRIMINAL	2	3	2	1	0	0
			- ILLEGAL EXPORTS	0	0	0	13	0	0
			- GENERAL SMUGGLING	3	4	4	11	7	0
			- FRAUD	0	0	0	1	1	0
			- DRUG SMUGGLING	31	27	11	16	0	0

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2012	NO - NEW ORLEANS, LA - SAC	JA - JACKSON, MS - RAC	HUMAN JUGGLING/TRAFFICKING	21	24	22	3	0	18
			GENERAL ALIEN ESTIGATIONS	4	4	2	0	0	7
			BENEFIT FRAUD	1	1	1	0	0	0
			DOCUMENT FRAUD	0	0	3	3	0	0
				0	0	2	0	0	1
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION ESTIGATIONS						
				63	63	48	58	9	29
		KI - KNOXVILLE, TN - RAC	(b) FINANCIAL INVESTIGATIONS	0	0	0	1	1	0
			(7) MUNITIONS CONTROL	0	1	1	0	0	0
			(E) OTHER CRIMINAL	0	0	1	0	0	0
			GENERAL SMUGGLING	1	1	2	3	1	0
			FOREIGN/DOMESTIC OPERATION	0	0	0	1	0	2
			DRUG SMUGGLING	5	9	13	8	6	0
			HUMAN JUGGLING/TRAFFICKING	4	4	4	4	0	11
			GENERAL ALIEN ESTIGATIONS	3	3	1	0	0	5
			BENEFIT FRAUD	6	8	6	2	0	3
			DOCUMENT FRAUD	1	1	1	1	0	0
				0	0	0	0	0	1
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						

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2012	NO - NEW ORLEANS, LA - SAC	KI - KNOXVILLE, TN - RAC	GANG INVESTIGATIONS	2	2	1	0	0	1
				22	29	30	20	8	23
		LC - LAKE CHARLES, LA - RAC	FINANCIAL INVESTIGATIONS	1	0	0	2	3	0
			OTHER CRIMINAL	0	0	0	1	0	0
			GENERAL SMUGGLING	7	4	7	13	8	0
			FRAUD	0	1	0	7	1	0
			DRUG SMUGGLING	6	1	1	15	5	0
			HUMAN GGING/TRAFFICKING	1	1	0	4	0	4
			GENERAL ALIEN ESTIGATIONS	5	6	4	0	0	1
			(b) DOCUMENT FRAUD	3	3	3	0	0	0
			(7)	23	16	15	42	17	5
		LF - LAFAYETTE, LA - RAC	(E) FINANCIAL INVESTIGATIONS	2	5	0	7	2	0
			MUNITIONS CONTROL	0	1	0	2	0	0
			GENERAL SMUGGLING	8	9	15	1	4	0
			FRAUD	0	0	0	5	0	0
			DRUG SMUGGLING	15	15	14	2	2	0
			HUMAN GGING/TRAFFICKING	0	0	0	0	0	1
			GENERAL ALIEN ESTIGATIONS	9	10	10	2	0	8
			BENEFIT FRAUD	3	1	1	2	0	1
			DOCUMENT FRAUD	3	3	3	6	2	1
				6	5	3	6	1	9

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January 20, 2009 thru December 10, 2013

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2012	NO - NEW ORLEANS, LA - SAC	LF - LAFAYETTE, LA - RAC	COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			GANG INVESTIGATIONS	0	0	0	0	0	4
				46	49	46	33	11	24
		LR - LITTLE ROCK, AR - RAC	MUNITIONS CONTROL	0	0	3	0	0	1
			OTHER CRIMINAL	0	0	0	1	0	0
			GENERAL SMUGGLING	7	5	1	16	15	0
			FRAUD	0	0	1	0	0	0
			DRUG SMUGGLING	41	31	13	36	15	8
			GENERAL ALIEN ESTIGATIONS	10	9	6	3	1	9
			BENEFIT FRAUD	1	0	0	2	1	0
			(b) DOCUMENT FRAUD	3	0	1	0	0	4
			(7)	0	0	0	0	0	7
			(E) COMPLIANCE/WORKSITE/ RASTRUCTURE PROTECTION ESTIGATIONS						
				62	45	25	58	32	29
		ME - MEMPHIS, TN - ASAC	FINANCIAL INVESTIGATIONS	2	2	2	17	3	1
			OTHER CRIMINAL	0	2	2	0	0	0
			ILLEGAL EXPORTS	0	0	0	1	0	0
			GENERAL SMUGGLING	9	10	11	34	17	0
			FRAUD	3	3	4	453	1	0
			DRUG SMUGGLING	28	21	9	92	2	0
			GENERAL ALIEN	3	4	1	2	1	7

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2012	NO - NEW ORLEANS, LA - SAC	ME - MEMPHIS, TN - ASAC	INVESTIGATIONS						
			BENEFIT FRAUD	0	0	1	1	0	0
			DOCUMENT FRAUD	2	2	1	13	1	1
				0	0	0	0	0	3
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			IDENTITY & BENEFIT FRAUD (IBF) INVESTIGATIONS (ARCHIVED)	1	0	0	0	0	0
			GANG INVESTIGATIONS	6	1	3	0	0	2
				54	45	34	613	25	14
		MO - MOBILE, AL - ASAC	FINANCIAL INVESTIGATIONS	5	3	4	6	1	0
			(b) MUNITIONS CONTROL	2	4	3	6	2	0
			(7) OTHER CRIMINAL	3	3	3	1	1	0
			(E) GENERAL SMUGGLING	1	2	3	7	1	0
			FRAUD	0	0	0	1	1	0
			DRUG SMUGGLING	24	16	27	40	1	3
			GENERAL ALIEN INVESTIGATIONS	4	8	8	0	2	28
			BENEFIT FRAUD	8	8	10	5	2	6
			DOCUMENT FRAUD	9	15	9	12	0	6
				0	0	0	1	0	7
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			GANG INVESTIGATIONS	5	5	3	3	0	0

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2012	NO - NEW ORLEANS, LA - SAC	NO - NEW ORLEANS, LA - SAC	FINANCIAL INVESTIGATIONS	61	64	70	82	11	50
			MUNITIONS CONTROL	33	31	21	42	36	7
			THEFT, LOSS, DAMAGE, & MORTGAGE	9	6	10	18	0	8
			OTHER CRIMINAL	2	2	2	0	0	0
			ILLEGAL EXPORTS	3	1	0	0	0	0
			GENERAL SMUGGLING	0	0	0	0	0	3
			(b) FRAUD	12	11	5	26	36	0
			(7) DRUG SMUGGLING	5	1	2	76	3	2
			(E) COUNTERTERRORISM	54	40	16	58	7	5
			HUMAN SMUGGLING/TRAFFICKING	2	6	2	0	0	0
			GENERAL ALIEN INVESTIGATIONS	27	19	10	2	0	2
			BENEFIT FRAUD	13	11	9	4	0	73
			DOCUMENT FRAUD	1	2	0	0	0	0
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	13	12	8	28	4	6
				3	4	4	20	10	17
				177	146	89	274	96	123
		NV - NASHVILLE, TN - RAC	(b) FINANCIAL INVESTIGATIONS	3	3	3	4	0	1
			(7) MUNITIONS CONTROL	0	5	0	2	0	0
			(E) OTHER CRIMINAL	2	2	0	0	0	0
			) ILLEGAL EXPORTS	0	0	0	1	0	0

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2012	NO - NEW ORLEANS, LA - SAC	NV - NASHVILLE, TN - RAC	- GENERAL SMUGGLING	2	4	0	1	1	0
			- FRAUD	5	0	0	21	3	3
			- DRUG SMUGGLING	7	10	27	4	4	1
			- HUMAN UGGLING/TRAFFICKING	23	9	13	4	7	21
			- GENERAL ALIEN VESTIGATIONS	10	14	10	1	1	30
			- DOCUMENT FRAUD	14	13	6	23	8	7
			-	0	0	0	0	0	4
			COMPLIANCE/WORKSITE/ (b) INFRASTRUCTURE PROTECTION (7) VESTIGATIONS	66	60	59	61	24	67
		SH - SHREVEPORT, LA - RAC	(E) - FINANCIAL INVESTIGATIONS	1	0	1	0	0	0
			- GENERAL SMUGGLING	6	0	23	8	2	0
			- FOREIGN/DOMESTIC OPERATION	4	0	0	2	0	0
			- DRUG SMUGGLING	5	0	1	1	1	0
			- HUMAN UGGLING/TRAFFICKING	2	2	1	2	1	1
			- GENERAL ALIEN VESTIGATIONS	1	1	2	1	0	5
			- BENEFIT FRAUD	1	1	0	0	0	0
			- DOCUMENT FRAUD	0	0	0	1	0	0
			-	3	2	2	2	1	20
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2012	NO - NEW ORLEANS, LA - SAC	TT - CHATTANOOGA, TN - RAC	FINANCIAL INVESTIGATIONS	23	6	30	17	5	26
			GENERAL SMUGGLING	5	1	3	4	2	0
			FRAUD	7	3	2	2	2	0
			DRUG SMUGGLING	0	0	1	10	2	0
			HUMAN JUGGLING/TRAFFICKING	4	1	2	2	0	0
			GENERAL ALIEN ESTIGATIONS	7	7	2	2	0	8
				4	3	2	1	0	3
				6	6	6	6	0	0
			COMPLIANCE/WORKSITE/ RASTRUCTURE PROTECTION ESTIGATIONS						
			(b) GANG INVESTIGATIONS	19	16	10	1	0	0
			(7) (E)	52	37	28	28	6	11
		TX - TEXARKANA, AR - RAC	FINANCIAL INVESTIGATIONS	1	1	1	2	0	1
			GENERAL SMUGGLING	1	1	0	4	0	0
			DRUG SMUGGLING	19	13	6	21	3	5
			HUMAN JUGGLING/TRAFFICKING	0	0	2	0	0	0
			GENERAL ALIEN ESTIGATIONS	0	0	5	0	0	0
			BENEFIT FRAUD	4	4	0	0	0	4
			DOCUMENT FRAUD	1	1	2	2	0	1
				0	0	1	0	0	0
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION						

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2012	NO - NEW ORLEANS, LA - SAC	TX - TEXARKANA, AR - RAC	INVESTIGATIONS						
			(b)(7)(E) - GANG INVESTIGATIONS	3	0	3	1	0	2
				29	20	20	30	3	13
		UQ - NEW ORLEANS ASSET IDENTIFICATION/REMOVAL GROUP	(b)(7)(E) - COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	3	0	0
				0	0	0	3	0	0
		NO - NEW ORLEANS, LA - SAC - Total		1,078	946	722	1,608	373	717
	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC	(b)(7)(E) - FINANCIAL INVESTIGATIONS	13	11	9	93	2	1
			(b)(7)(E) - GENERAL SMUGGLING	21	11	11	34	1	0
			(b)(7)(E) - FRAUD	14	6	9	41	2	0
			(b)(7)(E) - DRUG SMUGGLING	232	197	199	343	3	2
			(b)(7)(E) - HUMAN SMUGGLING/TRAFFICKING	10	11	2	33	0	4
			(b)(7)(E) - DOCUMENT FRAUD	1	1	1	0	0	0
			(b)(7)(E) - COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	1	1	1	0	0	0
				292	238	232	544	8	7
		LI - LONG ISLAND, NY - ASAC	(b)(7)(E) - FINANCIAL INVESTIGATIONS	20	10	6	12	0	5
			(b)(7)(E) - OTHER CRIMINAL	8	5	5	1	0	1
			(b)(7)(E) - ILLEGAL EXPORTS	0	0	0	2	0	0
			(b)(7)(E) - GENERAL SMUGGLING	11	7	2	25	2	0

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2012	NY - NEW YORK, NY - SAC	LI - LONG ISLAND, NY - ASAC	FRAUD	0	0	0	14	0	0
			FOREIGN/DOMESTIC OPERATION	1	1	1	0	0	0
			DRUG SMUGGLING	21	14	18	19	2	1
			HUMAN JUGGLING/TRAFFICKING	3	0	0	0	0	5
			GENERAL ALIEN ESTIGATIONS	2	1	0	0	0	5
			BENEFIT FRAUD	0	0	0	0	0	6
			DOCUMENT FRAUD	1	0	0	0	0	2
				16	2	9	3	0	9
			COMPLIANCE/WORKSITE/ (b) RASTRUCTURE PROTECTION (7) ESTIGATIONS (E) GANG INVESTIGATIONS	35	25	27	10	0	14
				118	65	68	86	4	48
		LL - CASTLE POINT, NY - RAC	FINANCIAL INVESTIGATIONS	45	22	19	1	0	2
			OTHER CRIMINAL	1	0	0	0	0	0
			GENERAL SMUGGLING	8	2	1	7	7	0
			FRAUD	1	0	0	4	0	0
			DRUG SMUGGLING	6	5	4	8	0	1
			HUMAN JUGGLING/TRAFFICKING	3	0	3	1	0	0
			BENEFIT FRAUD	2	1	2	0	0	1
			GANG INVESTIGATIONS	70	73	66	1	0	16
				136	103	95	22	7	20

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2012	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC	FINANCIAL INVESTIGATIONS	109	114	56	139	13	14
			MUNITIONS CONTROL	7	13	8	16	58	0
			ILLEGAL EXPORTS	3	4	1	3	0	0
			GENERAL SMUGGLING	62	70	42	125	18	2
			FRAUD	48	29	22	342	8	8
			FOREIGN/DOMESTIC OPERATION	1	0	0	1	0	0
			REGULATORY COMPLIANCE	0	2	0	0	0	0
			DRUG SMUGGLING	238	159	220	199	11	6
			COUNTERTERRORISM	30	25	13	28	3	40
			HUMAN UGGLING/TRAFFICKING	73	48	23	72	13	42
		(b)(7)(E)	GENERAL ALIEN INVESTIGATIONS	3	1	4	0	0	136
			BENEFIT FRAUD	8	10	25	10	2	10
			DOCUMENT FRAUD	113	82	82	17	1	1
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	20	36	29	5	3	100
			IDENTITY & BENEFIT FRAUD (IBF) INVESTIGATIONS (ARCHIVED)	1	3	7	0	0	0
			GANG INVESTIGATIONS	162	86	68	92	2	15
				878	682	600	1,049	132	374
		UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP	FINANCIAL INVESTIGATIONS	18	11	2	90	0	0
			FRAUD	0	0	0	12	2	0

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2012	NY - NEW YORK, NY - SAC	UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP	(b) (7) (E) DRUG SMUGGLING	0	0	0	1	0	0
			HUMAN JUGGLING/TRAFFICKING	0	0	0	3	0	0
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	1	0	0
			GANG INVESTIGATIONS	0	0	0	1	0	0
NY - NEW YORK, NY - SAC - Total				18	11	2	108	2	0
2012 - Total				1,442	1,099	997	1,809	153	449
				3,263	2,423	1,965	4,249	714	1,377

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Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2013	BU - BUFFALO,NY- SAC	AB - ALEXANDRIA BAY, NY - RAC	- FINANCIAL INVESTIGATIONS	1	0	0	3	0	0
			- GENERAL SMUGGLING	4	2	2	5	4	0
			- DRUG SMUGGLING	2	2	9	1	0	0
			- HUMAN MUGGLING/TRAFFICKING	0	0	2	0	0	0
			- GENERAL ALIEN VESTIGATIONS	1	1	1	1	0	0
				8	5	14	10	4	0
		AY - ALBANY, NY - RAC	- FINANCIAL INVESTIGATIONS	5	5	5	13	5	3
			(b) - MUNITIONS CONTROL	0	0	0	1	0	0
			() - GENERAL SMUGGLING	9	1	3	30	7	0
			() - FRAUD	1	0	0	0	0	0
			7) - DRUG SMUGGLING	56	6	13	49	20	0
			() - COUNTERTERRORISM	2	0	0	8	1	0
			(E) - HUMAN MUGGLING/TRAFFICKING	0	0	3	0	1	0
			- GENERAL ALIEN VESTIGATIONS	4	0	4	0	0	25
			- OMPLIANCE/WORKSITE/ FRASTRUCTURE PROTECTION VESTIGATIONS	0	0	0	0	0	6
				77	12	28	101	34	34
	BU - BUFFALO,NY-SAC		- FINANCIAL INVESTIGATIONS	51	33	44	58	20	1
			- MUNITIONS CONTROL	2	1	1	12	1	1
			- OTHER CRIMINAL	65	3	0	14	5	1

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January 20, 2009 thru December 10, 2013

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2013	BU - BUFFALO,NY- SAC	BU - BUFFALO,NY-SAC	ILLEGAL EXPORTS	0	0	1	2	2	0
			GENERAL SMUGGLING	20	28	23	76	29	0
			FRAUD	6	4	9	77	16	2
			FOREIGN/DOMESTIC OPERATION	2	0	0	0	1	0
			DRUG SMUGGLING	99	22	34	197	46	1
			COUNTERTERRORISM	2	2	2	14	0	4
			HUMAN UGGLING/TRAFFICKING	5	1	4	7	7	5
			GENERAL ALIEN ESTIGATIONS	22	12	12	1	2	46
			BENEFIT FRAUD	4	1	0	1	0	3
		(b)	DOCUMENT FRAUD	9	12	10	17	1	4
		(7)		18	6	6	3	1	40
		(E)	MPLIANCE/WORKSITE/ RASTRUCTURE PROTECTION ESTIGATIONS						
			GANG INVESTIGATIONS	34	31	3	0	3	0
				339	156	149	479	134	108
		MZ - MASSENA, NY - RAC	FINANCIAL INVESTIGATIONS	2	1	0	0	0	0
			OTHER CRIMINAL	0	2	2	0	0	0
			GENERAL SMUGGLING	6	4	2	9	6	0
			DRUG SMUGGLING	53	4	3	44	8	0
			HUMAN UGGLING/TRAFFICKING	17	14	11	11	1	9
			GENERAL ALIEN INVESTIGATIONS	0	0	0	0	0	1

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2013	BU - BUFFALO, NY- SAC	RP - ROUSES POINT - RAC	- FINANCIAL INVESTIGATIONS	78	25	18	64	15	10
			- OTHER CRIMINAL	3	1	3	19	3	0
			- ILLEGAL EXPORTS	48	11	15	15	0	1
			- GENERAL SMUGGLING	0	0	0	3	1	0
			- FRAUD	9	2	2	25	4	6
			- FOREIGN/DOMESTIC OPERATION	0	0	0	3	0	0
			- DRUG SMUGGLING	1	0	0	0	0	0
			(b) - COUNTERTERRORISM	75	61	78	74	7	0
			(7) - HUMAN	0	0	0	1	0	0
			(E) - SMUGGLING/TRAFFICKING	22	7	8	13	7	3
			- GENERAL ALIEN INVESTIGATIONS	1	0	1	1	0	1
			- DOCUMENT FRAUD	1	0	0	0	0	1
				160	82	107	154	22	12
		UK - BUFFALO ASSET IDENTIFICATION/REMOVAL GROUP	- GENERAL SMUGGLING	0	0	0	1	0	0
			- FRAUD	0	0	0	1	0	0
			- DRUG SMUGGLING	0	0	0	56	0	0
			- COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	1	0	0
				0	0	0	59	0	0
		YR - SYRACUSE, NY - RAC	02 - FINANCIAL INVESTIGATIONS	2	1	1	2	0	0

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2013	BU - BUFFALO,NY- SAC	YR - SYRACUSE, NY - RAC	(b) THEFT, LOSS, DAMAGE, & (7) MORTGAGE (E) OTHER CRIMINAL	1	0	0	0	0	0
			GENERAL SMUGGLING	3	0	0	0	0	0
			DRUG SMUGGLING	1	1	2	0	0	0
			HUMAN	54	9	8	14	4	0
			JUGGLING/TRAFFICKING	0	0	2	0	0	0
			GENERAL ALIEN ESTIGATIONS	0	0	0	0	0	1
			BENEFIT FRAUD	2	2	0	1	0	0
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	2
				63	13	13	17	4	3
BU - BUFFALO,NY-SAC - Total				725	293	329	884	213	167
NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	(b) FINANCIAL INVESTIGATIONS (7) MUNITIONS CONTROL (E) OTHER CRIMINAL	3	0	0	4	1	1	
		GENERAL SMUGGLING	0	0	0	2	0	0	
		FRAUD	1	1	1	0	0	1	
		DRUG SMUGGLING	14	8	19	28	23	0	
		HUMAN	29	12	5	58	14	11	
		JUGGLING/TRAFFICKING	14	4	2	14	5	0	
		GENERAL ALIEN INVESTIGATIONS	7	6	7	0	0	16	
			18	10	13	7	0	44	

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Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2013	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	DOCUMENT FRAUD	5	6	3	14	2	6
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	2	0	1	0	0	7
			GANG INVESTIGATIONS	6	6	9	3	1	7
				99	53	60	130	46	93
		BT - BATON ROUGE, LA - RA	(b) FINANCIAL INVESTIGATIONS	3	1	1	3	0	1
			(7) GENERAL SMUGGLING	20	16	0	13	17	0
			(E) FRAUD	3	3	6	17	1	1
			DRUG SMUGGLING	16	8	2	17	2	0
			HUMAN SMUGGLING/TRAFFICKING	73	73	4	5	3	0
			GENERAL ALIEN INVESTIGATIONS	22	21	26	0	0	14
			BENEFIT FRAUD	5	5	3	0	0	0
				0	0	0	0	0	6
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				142	127	42	55	23	22
		FB - FT. SMITH, AR - RAC	GENERAL SMUGGLING	0	0	0	2	0	0
			(b) DRUG SMUGGLING	31	32	21	13	5	2
			(7) GENERAL ALIEN INVESTIGATIONS	6	3	2	0	0	11
			(E) BENEFIT FRAUD	10	9	9	0	0	9
			DOCUMENT FRAUD	0	0	1	0	0	0

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2013	NO - NEW ORLEANS, LA - SAC	FU - FAYETTEVILLE, AR - RAC	FINANCIAL INVESTIGATIONS	47	44	33	15	5	22
			GENERAL SMUGGLING	20	9	6	24	7	4
			FRAUD	10	9	5	37	21	0
			(b) DRUG SMUGGLING	0	0	0	2	0	1
			(7) GENERAL ALIEN (E) ESTIGATIONS	9	10	9	16	3	6
			DOCUMENT FRAUD	1	1	2	0	0	1
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	3	2	1	6	2	0
				1	1	1	1	0	6
				44	32	24	86	33	18
		GU - GULFPORT, MS - RAC	FINANCIAL INVESTIGATIONS	4	1	0	35	19	0
			MUNITIONS CONTROL	1	1	1	1	0	0
			GENERAL SMUGGLING	2	0	0	2	2	0
			FRAUD	1	1	2	5	0	0
			(b) DRUG SMUGGLING	36	18	49	29	7	1
			(7) HUMAN (E) JGGLING/TRAFFICKING	7	0	2	2	0	3
			GENERAL ALIEN ESTIGATIONS	3	5	6	3	0	2
			BENEFIT FRAUD	1	2	1	1	0	1
			DOCUMENT FRAUD	3	2	6	5	0	0
			COMPLIANCE/WORKSITE/	0	0	0	1	0	0

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2013	NO - NEW ORLEANS, LA - SAC	GU - GULFPORT, MS - RAC	INFRASTRUCTURE PROTECTION INVESTIGATIONS	58	30	67	84	28	7
		HU - HOUMA, LA - RAC	(b)(7)(E) - FINANCIAL INVESTIGATIONS	0	1	1	1	0	0
			(b)(7)(E) - OTHER CRIMINAL	0	1	1	0	0	0
			(b)(7)(E) - GENERAL SMUGGLING	6	3	4	1	5	0
			(b)(7)(E) - FRAUD	0	0	2	1	0	0
			(b)(7)(E) - DRUG SMUGGLING	19	9	5	7	4	0
			(b)(7)(E) - GENERAL ALIEN INVESTIGATIONS	3	4	4	0	0	48
			(b)(7)(E) - DOCUMENT FRAUD	8	3	2	0	0	0
			(b)(7)(E) - COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	2	2	0	0	0
				36	23	21	10	9	48
		JA - JACKSON, MS - RAC	(b)(7)(E) - FINANCIAL INVESTIGATIONS	3	1	0	16	12	2
			(b)(7)(E) - OTHER CRIMINAL	1	1	1	0	0	0
			(b)(7)(E) - ILLEGAL EXPORTS	0	0	0	11	1	0
			(b)(7)(E) - GENERAL SMUGGLING	2	3	5	5	3	0
			(b)(7)(E) - FRAUD	2	1	1	5	1	0
			(b)(7)(E) - DRUG SMUGGLING	23	8	21	24	1	2
			(b)(7)(E) - HUMAN SMUGGLING/TRAFFICKING	6	6	5	1	0	9
			(b)(7)(E) - GENERAL ALIEN INVESTIGATIONS	2	0	2	0	0	1

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ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2013	NO - NEW ORLEANS, LA - SAC	JA - JACKSON, MS - RAC	(b) BENEFIT FRAUD	1	0	1	0	0	0
			(7) DOCUMENT FRAUD	12	4	2	19	4	2
			(E) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	5
				52	24	38	81	22	21
		KI - KNOXVILLE, TN - RAC	(b) FINANCIAL INVESTIGATIONS	3	1	1	1	0	0
			(7) MUNITIONS CONTROL	0	0	0	4	1	0
			(E) GENERAL SMUGGLING	3	3	2	2	2	0
			(b) FRAUD	1	0	0	0	0	0
			(7) DRUG SMUGGLING	2	1	2	4	1	0
			(E) HUMAN	4	2	2	4	0	4
			(7) JGGGLING/TRAFFICKING						
			(E) GENERAL ALIEN ESTIGATIONS	14	5	5	0	0	7
			(b) BENEFIT FRAUD	1	0	0	0	0	0
			(7) DOCUMENT FRAUD	3	1	2	3	1	0
			(E) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	9
			(b) GANG INVESTIGATIONS	1	0	1	0	0	0
			(7)	32	13	15	18	5	20
		LC - LAKE CHARLES, LA - RAC	(E) FINANCIAL INVESTIGATIONS	2	0	0	1	0	0
			(E) GENERAL SMUGGLING	4	6	6	5	2	0

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2013	NO - NEW ORLEANS, LA - SAC	LC - LAKE CHARLES, LA - RAC	FRAUD	3	2	1	3	1	0
			DRUG SMUGGLING	27	2	2	15	4	0
			(b) HUMAN	5	3	4	0	0	3
			(7) UGGLING/TRAFFICKING						
			(E) GENERAL ALIEN ESTIGATIONS	3	2	5	0	0	2
			BENEFIT FRAUD	1	0	0	0	0	0
				0	0	0	0	0	1
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				45	15	18	24	7	6
		LF - LAFAYETTE, LA - RAC	FINANCIAL INVESTIGATIONS	8	0	5	5	8	0
			MUNITIONS CONTROL	0	0	0	4	0	0
			GENERAL SMUGGLING	12	3	6	7	5	0
			FRAUD	1	2	1	11	1	0
			(b) FOREIGN/DOMESTIC OPERATION	1	0	0	0	1	0
			(7) DRUG SMUGGLING	26	10	8	7	8	0
			(E) HUMAN	1	0	0	0	0	2
			(E) UGGLING/TRAFFICKING						
			(E) GENERAL ALIEN ESTIGATIONS	8	6	5	1	0	3
			BENEFIT FRAUD	4	2	3	0	1	0
			DOCUMENT FRAUD	5	1	1	2	0	1
				0	1	2	0	0	2
			COMPLIANCE/WORKSITE/						

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January 20, 2009 thru December 10, 2013

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2013	NO - NEW ORLEANS, LA - SAC	LF - LAFAYETTE, LA - RAC	INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			INTELLIGENCE	0	0	0	0	1	0
				66	25	31	37	25	8
		LR - LITTLE ROCK, AR - RAC	FINANCIAL INVESTIGATIONS	10	8	1	8	1	0
			(b) OTHER CRIMINAL	1	1	0	0	0	0
			(7) GENERAL SMUGGLING	16	10	4	16	15	1
			(E) FRAUD	0	0	0	3	1	0
			DRUG SMUGGLING	29	16	14	22	7	8
			GENERAL ALIEN ESTIGATIONS	1	1	3	0	0	8
				0	0	0	0	0	9
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
				57	36	22	49	24	26
		ME - MEMPHIS, TN - ASAC	FINANCIAL INVESTIGATIONS	33	35	1	5	2	0
			OTHER CRIMINAL	9	0	0	2	1	5
			(b) ILLEGAL EXPORTS	0	0	0	0	1	0
			(7) GENERAL SMUGGLING	8	6	7	33	15	0
			(E) FRAUD	1	0	0	153	0	0
			DRUG SMUGGLING	56	48	21	65	3	0
			HUMAN UGGLING/TRAFFICKING	7	6	0	0	0	0
			GENERAL ALIEN INVESTIGATIONS	5	5	4	2	1	1

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2013	NO - NEW ORLEANS, LA - SAC	ME - MEMPHIS, TN - ASAC	BENEFIT FRAUD	1	1	0	1	0	1
			DOCUMENT FRAUD	1	2	2	3	0	0
			GANG INVESTIGATIONS	13	6	0	6	0	0
				134	109	35	270	23	7
		MO - MOBILE, AL - ASAC	FINANCIAL INVESTIGATIONS	9	5	5	21	5	1
			MUNITIONS CONTROL	2	1	1	0	1	0
			(b) GENERAL SMUGGLING	4	2	4	6	2	0
			(7) FRAUD	2	2	0	7	1	0
			(E) DRUG SMUGGLING	46	25	23	42	17	2
			HUMAN SMUGGLING/TRAFFICKING	0	0	0	0	1	0
			GENERAL ALIEN INVESTIGATIONS	7	1	5	4	0	5
			BENEFIT FRAUD	6	6	8	1	0	2
			DOCUMENT FRAUD	15	18	8	4	0	13
				0	0	0	0	0	1
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			GANG INVESTIGATIONS	0	0	2	0	0	1
				91	60	56	85	27	25
	NO - NEW ORLEANS, LA - SAC		(b) FINANCIAL INVESTIGATIONS	23	32	14	72	17	12
			(7) MUNITIONS CONTROL	9	8	2	17	0	1
			(E) OTHER CRIMINAL	1	0	1	0	0	0
			ILLEGAL EXPORTS	1	2	0	1	2	0

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2013	NO - NEW ORLEANS, LA - SAC	NO - NEW ORLEANS, LA - SAC	GENERAL SMUGGLING	20	16	7	34	35	0
			FRAUD	13	15	11	214	27	1
			DRUG SMUGGLING	82	20	20	86	10	18
			COUNTERTERRORISM	5	4	4	0	1	0
			(b) HUMAN	76	55	39	2	6	0
			(7) JGGLING/TRAFFICKING						
			(E) GENERAL ALIEN ESTIGATIONS	3	5	4	3	0	52
			BENEFIT FRAUD	1	0	0	0	0	1
			DOCUMENT FRAUD	12	8	7	23	4	6
				1	2	0	1	0	11
			COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS						
			GANG INVESTIGATIONS	12	1	0	2	0	58
				259	168	109	455	102	160
		NV - NASHVILLE, TN - RAC	FINANCIAL INVESTIGATIONS	8	3	2	13	2	0
			MUNITIONS CONTROL	0	0	1	2	0	0
			(b) OTHER CRIMINAL	0	0	1	0	0	0
			(7) GENERAL SMUGGLING	1	2	4	8	3	0
			(E) FRAUD	1	6	6	19	2	4
			DRUG SMUGGLING	6	7	20	21	5	2
			HUMAN	9	0	5	0	3	0
			JGGLING/TRAFFICKING						
			GENERAL ALIEN INVESTIGATIONS	10	6	5	7	0	25

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January 20, 2009 thru December 10, 2013

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2013	NO - NEW ORLEANS, LA - SAC	NV - NASHVILLE, TN - RAC	(b) BENEFIT FRAUD	0	1	1	1	0	0
			(7) DOCUMENT FRAUD	23	26	20	51	14	11
			(E) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	9
				58	51	65	122	29	51
		SH - SHREVEPORT, LA - RAC	(b) FINANCIAL INVESTIGATIONS	1	0	0	1	0	0
			(7) GENERAL SMUGGLING	10	2	4	6	3	0
			(E) FRAUD	0	0	0	4	1	0
			(7) FOREIGN/DOMESTIC OPERATION	1	0	0	0	0	0
			(E) DRUG SMUGGLING	9	2	2	6	1	0
			(b) GENERAL ALIEN INVESTIGATIONS	7	7	3	3	0	1
			(7) BENEFIT FRAUD	1	1	1	0	0	0
			(E) DOCUMENT FRAUD	0	0	0	1	0	0
			(7) COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	0	0	0	0	0	2
				29	12	10	21	5	3
		TT - CHATTANOOGA, TN - RAC	(b) FINANCIAL INVESTIGATIONS	8	0	0	5	0	0
			(7) MUNITIONS CONTROL	1	1	0	0	0	0
			(E) GENERAL SMUGGLING	1	1	4	4	1	0
			(7) FRAUD	0	0	0	7	0	0

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January 20, 2009 thru December 10, 2013

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2013	NO - NEW ORLEANS, LA - SAC	TT - CHATTANOOGA, TN - RAC	- DRUG SMUGGLING	51	17	1	7	6	0
			- HUMAN SMUGGLING/TRAFFICKING	19	5	7	8	3	0
			- GENERAL ALIEN INVESTIGATIONS	4	4	4	1	0	0
			- DOCUMENT FRAUD	3	1	1	3	0	0
			- GANG INVESTIGATIONS	1	2	3	0	0	0
				88	31	20	35	10	0
		TX - TEXARKANA, AR - RAC	- FINANCIAL INVESTIGATIONS	1	0	0	0	0	2
			- GENERAL SMUGGLING	6	2	1	4	6	0
			- DRUG SMUGGLING	11	1	6	10	2	2
			(b) - HUMAN (7) SMUGGLING/TRAFFICKING (E)	4	0	0	2	0	7
			- GENERAL ALIEN INVESTIGATIONS	5	5	3	3	0	8
			- BENEFIT FRAUD	3	0	3	0	0	0
			- DOCUMENT FRAUD	2	2	2	2	0	2
			- COMPLIANCE/WORKSITE/ INFRASTRUCTURE PROTECTION INVESTIGATIONS	3	3	0	1	0	1
			- GANG INVESTIGATIONS	1	0	0	2	1	0
				36	13	15	24	9	22
		UQ - NEW ORLEANS ASSET IDENTIFICATION/REMOVAL GROUP	- DRUG SMUGGLING	0	0	0	2	0	0

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2013	NO - NEW ORLEANS, LA - SAC			0	0	0	2	0	0
	NO - NEW ORLEANS, LA - SAC - Total			1,373	866	681	1,603	432	559
	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC	FINANCIAL INVESTIGATIONS	41	33	11	107	5	1
			MUNITIONS CONTROL	1	0	0	2	0	0
			THEFT, LOSS, DAMAGE, & MORTGAGE	0	0	0	1	2	0
			OTHER CRIMINAL	1	0	0	2	0	0
			GENERAL SMUGGLING	22	5	4	15	0	1
			FRAUD	29	20	7	35	2	0
			DRUG SMUGGLING	218	164	98	276	1	3
			COUNTERTERRORISM	2	0	0	0	0	0
		(b)	HUMAN	0	1	7	0	0	2
		(7)	SMUGGLING/TRAFFICKING						
		(E)	BENEFIT FRAUD	2	0	0	0	0	0
			DOCUMENT FRAUD	4	3	1	3	0	0
				320	226	128	441	10	7
		LI - LONG ISLAND, NY - ASAC	FINANCIAL INVESTIGATIONS	22	32	21	4	0	0
			OTHER CRIMINAL	0	0	1	1	0	0
			GENERAL SMUGGLING	9	8	7	19	3	2
			FRAUD	5	5	0	2	0	0
			DRUG SMUGGLING	11	28	7	15	3	2
			HUMAN SMUGGLING/TRAFFICKING	7	1	2	6	0	5

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Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC	OFFICE	CATEGORY	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2013	NY - NEW YORK, NY - SAC	LI - LONG ISLAND, NY - ASAC	GENERAL ALIEN ESTIGATIONS	1	0	2	0	0	1
			BENEFIT FRAUD	1	0	0	2	0	5
				6	0	4	15	0	17
			MPLIANCE/WORKSITE/ RASTRUCTURE PROTECTION ESTIGATIONS						
			GANG INVESTIGATIONS	24	15	17	7	0	5
				86	89	61	71	6	37
		LL - CASTLE POINT, NY - RAC	FINANCIAL INVESTIGATIONS	12	12	13	6	1	0
			OTHER CRIMINAL	0	1	1	0	0	0
			ILLEGAL EXPORTS	0	0	0	1	0	0
			(b) GENERAL SMUGGLING	3	5	8	16	13	0
			(7) FOREIGN/DOMESTIC	1	1	0	0	0	0
			(E) OPERATION						
			DRUG SMUGGLING	28	18	5	15	0	0
			BENEFIT FRAUD	1	0	1	0	0	0
			DOCUMENT FRAUD	2	2	2	0	0	1
			GANG INVESTIGATIONS	18	18	31	10	0	2
				65	57	61	48	14	3
	NY - NEW YORK, NY - SAC	FINANCIAL INVESTIGATIONS	171	91	46	168	16	7	
		MUNITIONS CONTROL	7	7	8	7	1	1	
		OTHER CRIMINAL	2	0	2	0	0	2	
		ILLEGAL EXPORTS	1	1	1	3	3	0	
		GENERAL SMUGGLING	40	37	41	130	16	1	

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2013	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC	FRAUD	35	18	23	310	17	2
			REGULATORY COMPLIANCE	0	0	2	0	0	0
			DRUG SMUGGLING	319	220	197	271	23	7
			COUNTERTERRORISM	9	5	15	1	0	30
			HUMAN JGGLING/TRAFFICKING	67	29	53	78	27	38
			GENERAL ALIEN ESTIGATIONS	7	3	4	0	0	6
			BENEFIT FRAUD	5	6	12	5	1	12
			DOCUMENT FRAUD	83	51	39	9	2	1
				40	12	25	92	3	88
			(b) COMPLIANCE/WORKSITE/						
			(7) RASTRUCTURE PROTECTION						
			(E) ESTIGATIONS						
			IDENTITY & BENEFIT FRAUD (IBF)	2	2	7	0	0	0
			ESTIGATIONS (ARCHIVED)						
			GANG INVESTIGATIONS	66	22	49	23	2	4
				854	504	524	1,097	111	199
		UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP	FINANCIAL INVESTIGATIONS	10	1	7	71	0	0
			FRAUD	0	0	0	15	0	0
			DRUG SMUGGLING	0	0	0	1	0	0
			COUNTERTERRORISM	0	0	0	1	0	0
			HUMAN JGGLING/TRAFFICKING	0	0	0	2	0	0
			BENEFIT FRAUD	0	0	0	3	0	0
				0	0	0	22	1	0
			COMPLIANCE/WORKSITE/						

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BU, NO, NY

Date: 12/10/2013

ENFORCEMENT STATISTICS

January 20, 2009 thru December 10, 2013

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2013	NY - NEW YORK, NY - SAC	UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP	INFRASTRUCTURE PROTECTION INVESTIGATIONS (b)(7)(C) - GANG INVESTIGATIONS	0	0	0	1	0	0
				10	1	7	116	1	0
				1,335	877	781	1,773	142	246
				3,433	2,036	1,791	4,260	787	972
NY - NEW YORK, NY - SAC - Total									
2013 - Total									

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2009	BU - BUFFALO, NY- SAC	AB - ALEXANDRIA BAY, NY - RAC		4	4	4	4	0	0
				5	0	0	3	1	0
				4	1	0	8	0	0
				0	0	1	0	0	0
				13	5	5	15	1	0
		AY - ALBANY, NY - RAC		2	0	0	1	0	0
				2	1	2	3	0	0
				1	1	2	2	1	0
				6	5	4	11	2	8
				0	1	1	0	0	0
				11	8	9	17	3	8
		BU - BUFFALO, NY-SAC	(b)	1	0	0	0	0	0
			(7)	0	0	0	1	0	0
			(E)	1	1	0	0	0	4
				0	0	0	0	0	1
				0	0	0	0	0	1
				0	0	1	0	0	0
				81	26	37	80	5	8
				0	0	0	0	0	4
				1	1	1	0	0	0
				0	1	4	0	0	0
				0	0	0	0	1	0
				1	1	1	7	0	0
				1	0	3	4	3	0

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2009	BU - BUFFALO,NY-SAC	BU - BUFFALO,NY-SAC	(b) (7) (E)	0	0	0	1	0	0	
				0	0	0	1	0	0	
				0	0	3	3	0	0	
				19	7	7	33	8	1	
				7	2	7	8	2	3	
				0	1	0	2	0	0	
				0	0	4	0	0	0	
				112	40	68	140	19	22	
				MZ - MASSENA, NY - RAC	13	8	4	9	0	0
					11	0	0	4	1	0
		1			1	0	1	0	0	
		1			0	0	2	0	0	
		3			2	1	2	0	0	
		0			2	5	0	0	0	
		0			0	0	1	0	0	
		0			1	4	0	0	0	
		29			14	14	19	1	0	
		RP - ROUSES POINT - RAC			1	0	0	0	0	0
				3	0	0	6	0	0	
				35	28	19	24	0	1	
				1	1	4	3	3	0	
				1	2	0	4	0	0	
				0	2	1	0	0	0	
				0	0	0	1	0	0	

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2009	BU - BUFFALO, NY - SAC	RP - ROUSES POINT - RAC	(b)(7)(E)	1	0	0	0	0	0
				17	9	7	24	4	19
				59	42	31	62	7	20
		UK - BUFFALO ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	1	0	0
				0	0	0	1	0	0
		YR - SYRACUSE, NY - RAC		1	0	0	0	0	0
				0	0	0	1	0	0
				0	0	0	1	0	0
				0	0	26	0	0	0
				0	0	1	0	0	0
				0	0	0	5	0	4
				0	1	0	1	0	0
				8	0	0	0	0	0
				1	1	2	0	0	0
				10	2	29	8	0	4
	BU - BUFFALO, NY - SAC - Total			234	111	156	262	31	54
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC		1	1	1	1	0	1
				0	0	0	0	0	1
				0	0	0	9	0	0
				1	0	0	1	0	1
				15	13	19	6	0	43
				0	0	0	1	0	0

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2009	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	(b) (7) (E)	1	0	0	0	0	0
				18	14	20	18	0	46
		BT - BATON ROUGE, LA - RA		0	0	0	0	0	1
				1	1	1	0	0	2
				0	0	1	0	0	0
				0	0	0	0	0	2
				2	2	1	0	0	11
				1	0	0	0	0	0
				4	3	3	0	0	16
		FB - FT. SMITH, AR - RAC		1	0	0	0	0	1
				0	0	0	0	1	0
				0	0	0	0	1	0
				1	1	0	0	0	0
				0	0	0	0	0	1
				5	5	6	5	0	39
				7	6	6	5	2	41
		FU - FAYETTEVILLE, AR - RAC		0	0	1	12	3	1
				0	1	0	1	2	0
				2	4	5	2	2	2
				1	0	0	0	0	7
				1	1	0	0	0	0
				30	29	20	3	1	41
				0	0	4	0	0	0

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2009	NO - NEW ORLEANS, LA - SAC	GU - GULFPORT, MS - RAC		34	35	30	18	8	51
				3	0	0	0	1	1
				6	12	9	3	1	0
				0	0	0	1	0	0
				1	1	0	1	0	0
				0	1	1	0	0	0
				13	7	6	11	1	0
				1	0	0	0	0	2
				24	21	16	16	3	3
		HU - HOUMA, LA - RAC		1	0	0	0	0	0
				2	0	0	0	0	5
			(b) (7) (E)	2	1	1	0	0	1
				8	3	3	0	5	2
				0	0	1	0	0	0
				2	2	2	0	0	0
				15	6	7	0	5	8
		JA - JACKSON, MS - RAC		0	1	0	0	0	0
				1	0	0	2	1	0
				0	0	0	0	0	1
				1	1	0	2	1	1
		KI - KNOXVILLE, TN - RAC		0	0	0	0	0	4
				1	1	0	0	0	0
				3	3	0	1	0	1

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2009	NO - NEW ORLEANS, LA - SAC	KI - KNOXVILLE, TN - RAC		0	0	0	2	0	0	
				0	0	0	2	1	0	
				0	0	1	0	0	19	
				4	4	1	5	1	24	
				LC - LAKE CHARLES, LA - RAC	1	0	0	0	0	0
					1	1	1	1	2	0
					0	0	1	0	0	0
					32	22	12	12	4	0
					0	0	1	0	0	0
		34			23	15	13	6	0	
		LF - LAFAYETTE, LA - RAC		1	0	0	0	0	0	
				0	1	0	0	0	0	
				13	10	2	9	1	4	
				0	0	1	0	0	0	
				4	3	1	1	2	6	
				0	0	1	1	0	0	
				18	14	5	11	3	10	
		LR - LITTLE ROCK, AR - RAC		0	0	1	0	0	0	
				2	4	0	0	0	0	
				2	2	0	3	0	0	
				0	0	1	0	0	0	
				0	0	5	0	1	0	
				1	2	0	0	0	0	

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SAC OFFICES: BU, NO, NY - SOURCE CODE NOT EQ R
ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2009	NO - NEW ORLEANS, LA - SAC	LR - LITTLE ROCK, AR - RAC	(b) (7) (E))	12	12	12	4	0	1
				1	1	0	3	2	0
				18	21	19	10	3	1
		ME - MEMPHIS, TN - ASAC		9	1	6	157	15	2
				1	2	0	0	1	2
				2	3	5	2	2	0
				7	3	4	0	0	0
				0	0	0	2	0	0
				2	2	0	1	0	2
				13	12	4	2	2	1
				10	14	15	9	5	4
				3	3	2	7	4	0
				47	40	36	180	29	11
		MO - MOBILE, AL - ASAC		1	1	0	0	0	2
				0	0	0	0	0	1
				3	0	0	4	0	0
				0	0	0	0	0	8
				3	4	4	0	0	2
				1	1	1	1	0	0
				0	0	0	0	0	3
				12	14	13	11	3	13
				2	1	0	1	0	3
				22	21	18	17	3	32

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2009	NO - NEW ORLEANS, LA - SAC	NO - NEW ORLEANS, LA - SAC		1	1	1	1	0	0
				1	1	1	0	0	2
				2	2	0	0	0	0
				5	0	0	1	1	0
				0	0	0	3	1	0
				1	1	1	1	1	1
				1	2	1	3	1	0
				0	1	1	0	0	0
				0	0	0	1	0	0
				15	1	1	13	6	0
				1	1	1	0	0	0
				27	10	7	23	10	3
		NV - NASHVILLE, TN - RAC	(b) (7) (E)	1	0	0	0	0	0
				6	6	0	2	0	1
				5	0	1	19	3	0
				0	0	0	1	0	0
				1	1	1	0	0	0
				10	12	1	0	1	0
				1	0	0	2	0	0
				0	0	0	0	0	1
				2	0	0	0	0	0
				0	0	0	1	0	0
				1	1	0	0	0	0
				12	3	5	2	2	5

(b)(7)(E)

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SAC OFFICES: BU, NO, NY - SOURCE CODE NOT EQ R
ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2009	NO - NEW ORLEANS, LA - SAC	NV - NASHVILLE, TN - RAC	(b) (7) (E)	0	0	0	4	2	0
				39	23	8	31	8	7
		SH - SHREVEPORT, LA - RAC		2	1	2	1	0	0
				8	3	5	2	0	0
				10	4	7	3	0	0
		TT - CHATTANOOGA, TN - RAC		0	0	1	0	0	0
				1	0	1	0	0	3
				1	0	2	0	0	3
		TX - TEXARKANA, AR - RAC		1	1	1	0	0	1
				0	0	0	0	0	1
				0	0	2	0	0	0
				14	14	4	14	0	7
				15	15	7	14	0	9
		UQ - NEW ORLEANS ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	1	0	0
				0	0	0	1	0	0
				0	0	0	1	0	0
				0	0	0	1	0	0
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				204	182	216	423	4	4
				338	261	207	367	82	266
				1	1	1	1	0	1
				1	1	0	2	1	0



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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2009	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC	(b) (7) (E)	0	1	1	1	0	0
				1	0	0	1	0	0
				0	0	0	1	0	0
				0	0	0	9	0	0
				0	0	0	5	0	0
				3	1	3	1	0	0
				1	1	1	2	0	1
				0	0	1	0	0	0
				211	187	223	447	5	7
		LI - LONG ISLAND, NY - ASAC		0	1	0	0	0	0
				0	0	0	0	0	3
				2	2	3	3	0	0
				1	1	0	5	1	0
				1	1	0	2	0	0
				4	3	0	2	1	0
				6	1	2	9	0	7
				0	0	0	0	2	0
				0	1	1	0	0	0
				14	10	6	21	4	10
		LL - CASTLE POINT, NY - RAC		2	0	0	2	0	0
				1	0	0	3	0	0
				1	0	0	2	0	0
				30	1	7	1	0	11
				0	0	0	0	0	1

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January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2009	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC		34	1	7	8	0	12
				0	0	1	0	0	0
				20	6	17	0	0	17
				19	5	2	2	0	31
				0	0	0	0	0	4
				2	14	15	6	0	0
				32	0	0	11	0	0
				0	0	0	0	0	1
				33	26	30	36	0	4
				4	5	0	0	0	0
				4	2	1	0	0	4
				39	60	32	31	7	4
				0	0	1	1	0	1
				1	1	2	8	1	0
				2	2	0	5	0	15
				0	0	2	0	1	7
				3	0	7	4	0	1
				41	10	29	26	8	59
				6	7	8	7	7	38
				0	0	0	0	0	1
				1	0	2	0	0	26
				96	80	38	56	8	5
				303	218	187	193	32	218
		UN - NEW YORK ASSET		0	0	0	4	0	0

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2009	NY - NEW YORK, NY - SAC	IDENTIFICATION/REMOVAL GROUP	(b) (7) (E)	1	0	0	2	0	0
				0	0	0	1	0	0
				1	0	0	32	0	0
				0	0	0	1	0	0
				2	0	0	40	0	0
	NY - NEW YORK, NY - SAC - Total			564	416	423	709	41	247
2009 - Total				1,136	788	786	1338	154	567

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ENFORCEMENT STATISTICS

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January 20, 2009 thru December 10, 2013

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2010	BU - BUFFALO, NY-SAC	AB - ALEXANDRIA BAY, NY - RAC	(b) (7) (E)	2	3	3	4	1	0
				0	0	4	0	0	0
				1	0	0	2	0	0
				0	0	0	0	0	1
				3	5	4	6	0	2
				6	8	11	12	1	3
		AY - ALBANY, NY - RAC		1	0	0	0	0	0
				1	0	0	2	2	0
				1	1	1	2	0	1
				0	0	1	0	0	0
				3	0	4	7	0	16
				0	0	0	2	2	0
		BU - BUFFALO, NY-SAC		6	1	6	13	4	17
				3	2	3	2	0	5
				2	0	2	0	0	6
				0	0	0	0	0	2
				1	0	0	0	0	0
				90	34	34	135	10	5
				0	0	0	0	0	2
				1	0	0	0	0	1
				4	1	0	6	2	1
				5	2	1	2	0	8
				1	0	0	4	1	0
				0	0	1	0	0	0

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS	
2010	BU - BUFFALO,NY-SAC	BU - BUFFALO,NY-SAC		9	3	0	2	1	0	
				2	1	0	3	17	0	
				9	5	9	13	3	6	
				4	1	5	3	2	1	
				0	0	0	2	1	0	
				2	0	1	11	2	23	
				133	49	56	183	39	60	
				MZ - MASSENA, NY - RAC	6	4	6	7	0	0
					5	1	3	1	0	0
					0	0	1	0	0	0
					1	0	0	0	0	0
					9	4	6	12	0	0
		7	7		5	4	0	0		
		28	16	21	24	0	0			
		RP - ROUSES POINT - RAC	26	17	23	39	0	4		
			0	0	0	3	0	0		
			0	0	0	0	0	2		
			4	0	0	1	0	0		
			0	2	1	0	0	0		
			2	2	3	1	0	0		
			0	1	1	0	0	0		
			1	0	0	3	1	2		
			0	0	0	0	0	1		
			11	6	7	1	0	4		

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January 20, 2009 thru December 10, 2013

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2010	BU - BUFFALO, NY- SAC	YR - SYRACUSE, NY - RAC		44	28	35	48	1	13
				2	0	0	2	0	0
				1	0	0	0	1	0
				1	0	7	0	0	0
				1	2	1	0	0	0
				0	0	0	0	0	4
				7	0	1	7	0	1
				1	1	1	1	0	0
				13	3	10	10	1	5
	BU - BUFFALO, NY-SAC - Total			230	105	139	290	46	98
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	(b) (7) (E)	1	2	0	1	0	1
				0	0	0	0	0	1
				0	0	0	0	0	1
				2	2	0	1	0	0
				0	0	0	0	0	1
				0	0	0	0	0	1
				3	3	0	0	0	3
				13	9	10	10	6	37
				1	1	1	1	1	1
				0	0	0	0	0	2
				20	17	11	13	7	48
		BT - BATON ROUGE, LA - RA		1	1	1	0	0	0
				0	0	0	0	0	1

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	BT - BATON ROUGE, LA - RA		1	0	0	0	0	0
				1	0	1	0	0	4
				3	1	2	0	0	5
		FB - FT. SMITH, AR - RAC	(b) (7) (E)	1	1	1	0	0	4
				0	0	0	0	0	2
				1	0	0	0	0	0
				2	2	0	2	1	0
				3	3	2	7	0	0
				41	31	13	11	4	17
				48	37	16	20	5	23
		FU - FAYETTEVILLE, AR - RAC	(b) (7) (E)	1	1	0	0	0	0
				1	0	0	0	0	1
				1	0	1	2	0	0
				25	32	16	14	9	37
				1	1	1	0	0	0
				44	34	36	7	0	51
				73	68	54	23	9	89
		GU - GULFPORT, MS - RAC	(b) (7) (E)	1	0	0	1	1	0
				10	14	13	1	1	0
				0	0	1	0	0	0
				1	0	0	0	0	0
				19	11	4	28	4	12
				0	0	0	1	0	0

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Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2010	NO - NEW ORLEANS, LA - SAC			31	25	18	31	6	12
		HU - HOUMA, LA - RAC		1	1	1	0	0	1
				24	6	3	1	9	2
				25	7	4	1	9	3
		JA - JACKSON, MS - RAC		1	1	0	1	0	1
				1	1	0	0	0	0
				0	0	1	1	0	0
				1	1	0	0	0	0
				0	1	0	0	1	0
				3	1	1	5	3	0
				2	1	2	2	2	0
				0	1	1	0	0	0
				8	7	5	9	6	1
		KI - KNOXVILLE, TN - RAC		0	0	0	0	0	1
				1	1	1	3	1	0
				34	35	3	30	0	3
				0	5	3	0	0	0
				2	3	2	1	2	0
				0	0	0	0	0	5
				1	5	5	7	2	36
				0	0	0	4	0	0
				0	0	1	0	0	0
				38	49	15	45	5	45

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SAC OFFICES: BU, NO, NY - SOURCE CODE NOT EQ R

ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS	
2010	NO - NEW ORLEANS, LA - SAC	LC - LAKE CHARLES, LA - RAC	(b)(7)(E)	0	1	1	0	0	0	
				0	0	0	3	0	0	
				8	6	9	12	1	0	
				1	1	1	0	0	0	
				9	8	11	15	1	0	
				LF - LAFAYETTE, LA - RAC	1	0	1	0	0	1
					1	0	0	0	0	0
					0	0	2	0	0	0
					1	0	0	1	0	0
					14	15	11	6	8	6
		1	1		0	0	0	0		
		18	16		14	7	8	7		
		LR - LITTLE ROCK, AR - RAC	0	0	0	0	0	2		
			0	0	1	0	0	0		
			0	0	0	1	1	0		
			3	3	3	0	0	0		
			0	0	0	0	1	0		
			1	2	1	0	0	1		
			13	12	16	19	9	11		
		0	0	1	2	0	0			
		17	17	22	22	11	14			
		ME - MEMPHIS, TN - ASAC	1	1	0	0	0	0		
			1	1	0	0	0	0		

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	ME - MEMPHIS, TN - ASAC	(b) (7) (E)	1	1	0	0	0	0
				13	8	1	131	3	6
				0	0	1	0	0	0
				0	0	0	2	0	0
				1	0	1	1	1	0
				1	1	3	0	0	0
				0	1	1	0	0	0
				0	0	0	0	1	0
				0	1	2	0	0	0
				1	2	2	3	0	0
				16	16	11	13	3	47
				0	1	1	0	0	0
				35	33	23	150	8	53
		MO - MOBILE, AL - ASAC		0	0	0	0	0	1
				0	0	0	0	0	1
				0	0	0	0	0	1
				0	0	0	0	0	5
				0	0	0	0	0	5
				0	0	1	0	0	0
				1	1	0	0	0	1
				4	5	0	2	0	1
				0	0	0	2	2	0
				0	0	0	0	0	1
				22	25	20	25	6	55

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	MO - MOBILE, AL - ASAC		2	1	0	2	1	1
				0	0	1	0	0	0
				29	32	22	31	9	72
		NO - NEW ORLEANS, LA - SAC	(b)(7)(E)	0	0	0	0	0	2
				0	2	4	0	0	1
				3	3	0	0	0	0
				11	6	1	33	8	6
				0	1	0	0	1	1
				0	0	1	0	0	0
				0	0	0	9	0	0
				45	14	2	38	25	1
				1	1	1	4	0	4
				0	1	1	0	0	0
		NV - NASHVILLE, TN - RAC	(b)(7)(E)	1	1	1	0	0	0
				61	29	11	84	34	15
				1	1	0	0	0	9
				2	2	6	1	0	0
				2	3	2	5	1	0
				2	2	0	6	2	0
				0	0	1	0	0	0
				1	2	1	2	3	1
				1	1	0	0	0	0
				0	1	1	1	0	0
				21	39	7	14	1	10

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Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2010	NO - NEW ORLEANS, LA - SAC	SH - SHREVEPORT, LA - RAC	(b) (7) (E)	30	51	18	29	7	20
				0	0	0	0	0	1
				0	0	0	3	0	0
				14	5	3	7	2	2
				7	28	0	26	21	0
				21	33	3	36	23	3
		TT - CHATTANOOGA, TN - RAC		0	0	0	0	0	1
				1	1	0	0	0	0
				0	0	0	0	0	1
				16	14	15	7	0	13
				7	7	7	0	0	0
				24	22	22	7	0	15
		TX - TEXARKANA, AR - RAC		2	3	3	0	0	3
				1	2	1	1	0	2
				0	0	0	1	0	0
				11	7	12	5	0	38
				1	2	1	0	0	0
				15	14	17	7	0	43
		UQ - NEW ORLEANS ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	3	0	0
				0	0	0	1	0	0
				0	0	0	4	0	0
NO - NEW ORLEANS, LA - SAC - Total				505	466	288	534	148	468

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2010	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC	(b) (7) (E)	1	1	1	0	0	0
				0	0	0	1	0	0
				298	262	224	626	24	17
				2	2	1	0	0	0
				0	0	0	1	0	0
				3	1	1	3	0	0
				3	0	0	4	0	0
				0	0	0	1	0	0
				1	0	0	0	0	0
				0	0	0	1	0	0
				1	1	2	1	0	0
				15	11	21	1	0	0
				324	278	250	639	24	17
				3	1	2	2	0	1
				0	0	0	0	0	3
				0	0	0	0	1	1
			LI - LONG ISLAND, NY - ASAC	30	19	2	25	1	0
				35	9	4	0	0	0
				1	0	0	0	0	1
				1	1	2	4	2	7
				1	1	0	3	0	1
				0	0	5	0	0	2
				0	0	0	0	1	0
				2	5	5	10	0	22

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2010	NY - NEW YORK, NY - SAC	LI - LONG ISLAND, NY - ASAC	(b) (7) (E)	0	3	0	1	0	0	
				0	0	0	0	0	1	
				0	0	1	0	0	1	
				73	39	21	45	5	40	
				LL - CASTLE POINT, NY - RAC	0	0	0	1	1	0
					0	0	0	0	0	2
					1	1	1	0	0	1
					1	0	0	1	0	3
					0	1	0	0	0	0
					2	3	1	0	0	0
					85	102	25	14	2	7
					89	107	27	16	3	13
		NY - NEW YORK, NY - SAC			8	6	11	10	1	9
					8	9	12	3	0	27
					1	0	0	0	0	0
					2	2	1	1	0	3
				2	1	7	2	0	0	
				1	0	0	0	0	0	
				33	22	34	15	2	2	
				2	0	4	5	0	0	
				48	46	6	1	1	5	
				42	32	36	27	10	3	
				2	0	0	13	0	1	
				0	0	0	3	0	1	

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January 20, 2009 thru December 10, 2013

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2010	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC	(b) (7) (E)	0	0	2	0	0	10	
				0	0	0	1	0	1	
				3	3	0	11	2	0	
				0	1	1	0	0	0	
				4	2	2	0	2	0	
				176	99	25	111	18	136	
				16	17	5	23	1	42	
				0	0	0	0	0	5	
				100	70	96	83	12	9	
				448	310	242	309	49	254	
		UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	61	0	0	
				0	0	0	2	0	0	
				5	5	2	49	1	0	
				0	0	0	1	0	0	
				5	5	2	113	1	0	
				939	739	542	1122	82	324	
				1,674	1,310	969	1946	276	890	
NY - NEW YORK, NY - SAC - Total										
2010 - Total										

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2011	BU - BUFFALO,NY-SAC	AB - ALEXANDRIA BAY, NY - RAC	(b)(7)(E)	0	0	3	1	0	0	
				17	26	2	13	0	0	
				0	0	1	0	0	0	
				5	1	3	5	0	0	
				22	27	9	19	0	0	
				AY - ALBANY, NY - RAC	0	2	2	0	0	2
					2	0	2	2	1	0
					0	0	0	0	0	1
					0	5	5	0	0	0
					0	0	0	6	1	0
					6	4	5	0	0	6
					1	0	0	4	1	0
		3			0	0	0	0	0	
		12			11	14	12	3	9	
		BU - BUFFALO,NY-SAC			2	3	1	1	0	4
					4	5	4	0	0	9
					0	1	1	0	0	0
				0	0	0	0	0	3	
				0	0	0	0	0	1	
				96	51	41	196	16	9	
				0	0	0	0	0	5	
				7	0	0	2	1	1	
				0	2	1	0	0	0	
				5	4	2	8	2	1	

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2011	BU - BUFFALO, NY - SAC	BU - BUFFALO, NY - SAC		0	4	1	4	1	0
				0	1	0	0	0	2
				2	4	6	0	0	0
				1	1	3	1	0	0
				32	17	13	48	35	7
				2	5	6	5	3	0
				4	4	1	1	0	1
				0	1	6	0	0	0
				155	103	86	266	58	43
	MZ - MASSENA, NY - RAC		(b)(7)(E)	7	3	7	6	1	3
				3	0	0	3	0	0
				1	0	0	0	0	0
				0	0	0	1	0	0
				5	1	0	8	0	0
				3	1	0	9	0	0
	RP - ROUSES POINT - RAC		(b)(7)(E)	19	5	7	27	1	3
				25	9	15	42	1	0
				0	0	0	7	0	0
				5	4	2	9	0	0
				1	0	1	0	0	0
				2	0	0	5	2	0
				0	0	0	0	0	3
				0	2	0	0	0	0
				0	1	1	5	1	0

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2011	BU - BUFFALO, NY - SAC	RP - ROUSES POINT - RAC		3	0	0	0	0	0
				15	9	7	20	0	2
				51	25	26	88	4	5
		UK - BUFFALO ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	2	0	0
				0	0	0	1	0	0
				0	0	0	3	0	0
		YR - SYRACUSE, NY - RAC	(b)(7)(E)	9	3	3	0	0	5
				1	2	1	0	0	0
				0	0	0	0	0	1
				1	0	1	1	0	0
				0	0	10	0	0	0
				0	0	0	0	0	1
				9	0	1	15	0	0
				3	0	0	0	0	3
				23	5	16	16	0	10
	BU - BUFFALO, NY - SAC - Total			282	176	158	431	66	70
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC		1	2	4	0	0	1
				0	0	0	0	0	1
				1	2	2	0	0	1
				1	1	0	0	0	0
				1	0	2	4	2	0
				9	14	6	0	0	1
				0	0	0	2	1	0

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2011	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	(b)(7) (E)	0	0	0	0	0	2		
				0	0	2	0	0	0		
				44	32	28	11	21	46		
				0	0	0	0	1	1		
					57	51	44	17	25	53	
		BT - BATON ROUGE, LA - RA		2	4	3	0	0	1		
				4	3	1	2	1	9		
				15	15	0	0	0	0		
				0	0	0	1	0	0		
				11	6	7	5	1	6		
				1	1	0	0	0	0		
							33	29	11	8	2
		FB - FT. SMITH, AR - RAC		1	1	0	0	0	0		
				0	0	2	0	0	0		
				2	2	4	3	2	2		
				17	22	31	8	2	38		
							20	25	37	11	4
		FU - FAYETTEVILLE, AR - RAC		0	0	0	0	0	5		
				0	0	1	0	1	0		
				4	5	1	0	0	0		
				1	1	0	0	0	0		
				9	8	13	6	1	11		
				1	0	0	0	0	1		

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2011	NO - NEW ORLEANS, LA - SAC	FU - FAYETTEVILLE, AR - RAC		0	1	2	0	0	0
				41	45	40	28	7	49
				56	60	57	34	9	66
		GU - GULFPORT, MS - RAC		6	7	10	0	0	0
				12	9	12	19	3	0
				18	16	22	19	3	0
		HU - HOUMA, LA - RAC		1	1	1	2	1	1
				0	0	0	0	0	5
				1	0	0	2	1	0
				20	13	9	7	2	2
				22	14	10	11	4	8
		JA - JACKSON, MS - RAC	(b)(7)(E)	0	0	1	0	0	0
				1	1	1	0	0	1
				0	0	0	0	0	1
				2	2	0	2	2	1
				2	4	2	3	0	0
				12	11	2	21	4	11
				3	3	0	2	1	0
				20	21	6	28	7	14
		KI - KNOXVILLE, TN - RAC		0	0	0	1	1	0
				0	0	0	0	0	1
				0	0	0	1	0	0
				0	0	0	6	0	0

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SAC OFFICES: BU, NO, NY - SOURCE CODE NOT EQ R
ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2011	NO - NEW ORLEANS, LA - SAC	KI - KNOXVILLE, TN - RAC		16	13	39	8	0	2
				1	1	7	0	0	0
				0	0	1	4	2	0
				0	0	0	0	0	1
				1	1	1	0	0	0
				3	4	1	2	1	15
				1	0	0	2	1	0
				22	19	49	24	5	19
	LC - LAKE CHARLES, LA - RAC			9	10	7	15	2	3
				9	10	7	15	2	3
	LF - LAFAYETTE, LA - RAC	(b) (7) (E)		1	0	0	0	0	0
				3	4	1	4	0	5
				4	8	3	3	1	0
				1	1	0	0	0	0
				19	19	9	12	6	6
				0	0	1	0	0	0
				28	32	14	19	7	11
	LR - LITTLE ROCK, AR - RAC			0	0	0	0	0	15
				2	0	3	0	0	0
				0	0	2	0	0	0
				0	0	0	1	0	0
				1	0	0	4	0	1
				1	2	3	0	0	1

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2011	NO - NEW ORLEANS, LA - SAC	LR - LITTLE ROCK, AR - RAC	(b) (7) (E)	0	1	0	0	0	0	
				0	0	1	1	0	0	
				23	21	15	19	6	7	
				27	24	24	25	6	24	
				ME - MEMPHIS, TN - ASAC	1	1	2	0	0	0
					0	0	0	0	0	1
					1	1	3	0	0	0
					1	2	5	108	0	0
					0	0	0	6	0	0
					1	0	0	5	1	0
		3			1	2	13	6	0	
		0			0	4	0	0	0	
		27			26	0	128	4	7	
		19			19	15	16	6	10	
		2			3	2	7	2	1	
		0			0	0	0	0	1	
		55			53	33	283	19	20	
		MO - MOBILE, AL - ASAC			1	0	0	0	0	4
				1	1	1	0	0	0	
				4	4	4	1	1	2	
				1	1	0	0	0	0	
				3	3	2	2	0	3	
				0	0	4	0	0	0	
				1	0	0	4	0	0	

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2011	NO - NEW ORLEANS, LA - SAC	MO - MOBILE, AL - ASAC	(b) (7) (E)	52	49	36	33	5	36
				1	1	1	1	0	1
				64	59	48	41	6	46
		NO - NEW ORLEANS, LA - SAC		0	0	0	0	0	1
				2	0	0	0	0	2
				0	0	2	0	0	0
				10	7	4	0	0	0
				13	8	14	13	1	7
				3	0	0	0	1	0
				1	0	1	0	0	0
				3	2	2	4	1	0
				0	0	0	14	0	0
				0	0	0	6	0	0
				17	14	10	23	7	1
				0	0	0	3	1	0
				49	31	33	63	11	11
		NV - NASHVILLE, TN - RAC		2	1	0	3	0	0
				0	0	1	0	0	0
				0	2	1	0	0	0
				2	2	0	2	0	0
				2	1	2	2	1	0
				4	6	5	0	0	0
				1	0	0	0	1	0
				4	2	2	0	1	0

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2011	NO - NEW ORLEANS, LA - SAC	NV - NASHVILLE, TN - RAC	(b)(7) (E)	15	26	2	8	1	1
				0	1	1	0	0	0
				0	0	1	0	0	0
				11	11	14	11	2	15
				0	0	0	3	1	0
				41	52	29	29	7	16
		SH - SHREVEPORT, LA - RAC		1	1	1	0	0	0
				1	1	1	2	0	0
				11	8	13	6	2	1
				41	51	27	39	45	0
				54	61	42	47	47	1
		TT - CHATTANOOGA, TN - RAC		2	4	0	0	0	0
				1	2	1	0	0	0
				28	23	24	9	1	10
				31	29	25	9	1	10
		TX - TEXARKANA, AR - RAC		3	4	3	0	0	3
				0	0	0	0	0	2
				2	1	0	2	1	0
				0	0	1	0	0	0
				17	17	16	26	3	28
				22	22	20	28	4	33
		UQ - NEW ORLEANS ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	1	0	0

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2011	NO - NEW ORLEANS, LA - SAC			0	0	0	1	0	0
	NO - NEW ORLEANS, LA - SAC - Total			628	608	511	712	169	391
	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC		0	0	1	0	0	0
				1	0	0	0	0	0
				260	229	224	430	2	9
				0	1	1	0	0	0
				0	1	0	2	0	0
				0	0	0	2	0	0
				1	0	0	2	0	0
				1	0	0	4	0	0
				6	9	3	1	0	0
				269	240	229	441	2	9
	LI - LONG ISLAND, NY - ASAC		(b) (7) (E)	0	1	1	0	0	0
				1	0	0	0	0	2
				0	0	0	0	0	1
				16	1	10	6	1	1
				4	29	18	0	1	0
				4	5	4	0	0	0
				0	0	1	0	2	0
				0	0	2	0	0	0
				11	1	6	6	1	9
				6	3	0	3	1	1
				0	0	1	0	0	0

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2011	NY - NEW YORK, NY - SAC	LL - CASTLE POINT, NY - RAC	(b)(7)(E)	42	40	43	15	6	14
				2	1	0	0	0	0
				2	1	3	2	0	0
				0	0	1	0	0	0
				2	0	3	0	0	0
				99	64	75	5	1	0
				105	66	82	7	1	0
		NY - NEW YORK, NY - SAC		0	2	1	0	0	0
				3	4	0	4	5	0
				0	0	0	0	0	1
				1	0	3	5	0	4
				0	1	1	1	1	15
				1	0	2	5	2	14
				0	0	2	0	0	0
				3	0	0	0	0	0
				0	0	0	1	0	1
				60	36	30	32	1	8
				3	2	10	1	0	3
				36	27	19	34	2	0
				0	1	0	0	1	0
				2	0	0	5	0	34
				2	1	1	2	1	10
				13	4	3	21	0	0
				5	0	1	9	1	0

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2011	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC	(b) (7) (E)	2	2	3	3	0	0
				291	189	163	94	31	130
				29	40	22	55	24	48
				1	0	0	2	0	0
				261	155	80	122	12	1
				713	464	341	396	81	269
		UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	1	0	0
				11	8	1	56	0	0
				0	0	0	1	0	0
				0	0	0	7	0	0
				11	8	1	65	0	0
				1,140	818	696	924	90	292
				2,050	1,602	1,365	2067	325	753
NY - NEW YORK, NY - SAC - Total									
2011 - Total									

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS	
2012	BU - BUFFALO,NY-SAC	AB - ALEXANDRIA BAY, NY - RAC	(b) (7) (E))	2	0	0	2	0	0	
				1	14	12	0	0	0	
				0	3	1	0	0	0	
				3	17	13	2	0	0	
				AY - ALBANY, NY - RAC	0	0	0	1	0	0
					4	0	0	7	4	0
		0			0	0	3	1	0	
		21			9	0	14	2	0	
		0			0	0	1	0	0	
		0			0	0	9	1	0	
		5		3	3	4	0	1		
		0		0	1	1	0	0		
	30	12		4	40	8	1			
	BU - BUFFALO,NY-SAC	2		1	2	1	0	7		
		0		0	0	1	0	0		
		0		4	0	0	0	1		
		0		0	0	1	0	0		
		0		0	0	0	0	1		
		0		0	0	1	0	0		
		121		51	42	192	31	9		
		0		0	0	7	5	0		
		38		42	7	0	2	0		
		5		0	0	4	4	0		
		17		1	1	6	0	1		

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2012	BU - BUFFALO, NY- SAC	BU - BUFFALO, NY-SAC		3	1	2	7	4	1
				0	0	0	1	0	1
				2	1	1	4	2	0
				43	11	13	20	13	14
				5	3	3	3	4	0
				5	3	5	1	0	6
				1	0	1	1	1	0
				242	118	77	250	66	41
		MZ - MASSENA, NY - RAC		19	5	3	24	0	5
				1	0	0	2	0	0
				26	6	1	11	2	0
			(b) (7) (E)	9	4	5	15	1	4
				55	15	9	52	3	9
		RP - ROUSES POINT - RAC		0	0	0	1	0	0
				0	0	0	2	0	0
				27	12	8	28	0	3
				0	0	0	7	0	0
				1	0	0	0	0	0
				3	1	0	3	0	0
				0	0	0	2	1	0
				0	0	0	2	1	0
				1	1	0	2	0	0
				1	0	0	0	0	0
				7	2	1	7	2	0

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2012	BU - BUFFALO,NY-SAC	RP - ROUSES POINT - RAC		6	0	0	0	0	0
				16	16	13	11	1	8
				62	32	22	65	5	11
		YR - SYRACUSE, NY - RAC	(b)(7)(E)	1	1	1	1	0	24
				1	0	0	1	0	0
				1	0	2	0	0	0
				0	0	0	0	0	4
				2	1	1	3	1	0
				0	1	1	0	0	0
				64	10	3	1	11	0
				2	2	2	0	0	0
				4	0	4	1	0	4
				0	0	0	0	0	2
				75	15	14	7	12	34
	BU - BUFFALO,NY-SAC - Total			467	209	139	416	94	96
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC	(b)(7)(E)	1	1	0	0	0	1
				0	0	1	0	0	0
				0	0	0	3	1	0
				0	1	2	2	1	1
				0	0	0	2	0	0
				1	0	0	0	0	1
				35	39	28	19	30	33
				2	1	0	6	3	2

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Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2012	NO - NEW ORLEANS, LA - SAC	BT - BATON ROUGE, LA - RA	(b) (7) (E)	39	42	31	32	35	38
				1	4	3	0	0	7
				1	0	0	8	1	0
				15	15	2	0	0	0
				48	47	10	19	6	20
				1	1	1	0	0	0
				66	67	16	27	7	27
		FB - FT. SMITH, AR - RAC		0	0	1	0	0	0
				25	20	6	29	5	1
				25	20	7	29	5	1
		FU - FAYETTEVILLE, AR - RAC		0	0	0	2	2	0
				0	0	3	0	0	0
				0	0	1	0	0	0
				1	0	1	0	1	0
				11	11	5	8	7	4
				14	19	22	22	15	14
				26	30	32	32	25	18
		GU - GULFPORT, MS - RAC		1	1	1	4	1	1
				43	42	3	1	2	0
				0	0	0	3	0	0
				33	28	25	40	11	2
				77	71	29	48	14	3

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2012	NO - NEW ORLEANS, LA - SAC	HU - HOUMA, LA - RAC	(b) (7) (E)	0	0	0	0	0	1	
				1	1	0	0	0	0	
				0	1	1	0	0	0	
				44	18	12	6	11	0	
				0	0	0	2	1	0	
				45	20	13	8	12	1	
				JA - JACKSON, MS - RAC	0	0	0	0	0	2
					1	1	0	0	0	0
					1	0	0	5	1	0
					1	1	0	0	0	0
		51			54	33	15	1	16	
		2		0	3	2	2	0		
		56		56	36	22	4	18		
		KI - KNOXVILLE, TN - RAC		0	0	0	0	1	0	
				0	0	0	0	0	1	
				0	0	0	1	2	0	
				0	3	10	0	0	0	
				5	6	4	6	4	0	
				7	7	5	8	0	15	
				0	0	1	0	0	0	
		12		16	20	15	7	16		
		LC - LAKE CHARLES, LA - RAC		6	2	2	8	2	0	
				9	6	9	9	4	0	

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2012	NO - NEW ORLEANS, LA - SAC	LC - LAKE CHARLES, LA - RAC		1	2	0	4	0	4
				16	10	11	21	6	4
		LF - LAFAYETTE, LA - RAC	(b) (7) (E)	2	3	3	0	0	0
	0			0	0	0	0	2	
	3			5	3	2	0	3	
	3			0	0	3	1	0	
	0			2	0	0	0	0	
	1			1	9	0	0	0	
	1			1	2	0	0	0	
	15			12	15	6	3	2	
	25			24	32	11	4	7	
	3			0	1	0	0	3	
	1	0	0	2	1	0			
	14	6	0	9	6	0			
	7	4	1	14	6	5			
	1	1	2	0	0	1			
	26	25	13	21	13	5			
	0	0	0	1	1	0			
	52	36	17	47	27	14			
		ME - MEMPHIS, TN - ASAC		2	2	0	0	0	2
	0			0	1	0	0	0	
	1			4	1	2	1	0	
	8			4	4	104	1	0	

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2012	NO - NEW ORLEANS, LA - SAC	ME - MEMPHIS, TN - ASAC	(b)(7) (E)	1	2	0	7	2	1
				4	6	4	13	6	0
				1	1	0	1	0	0
				3	1	1	11	2	1
				27	15	12	25	4	2
				0	0	1	2	1	0
				1	0	0	0	0	0
				48	35	24	165	17	6
	MO - MOBILE, AL - ASAC	1		1	1	0	0	0	
		2		0	0	3	0	0	
		0		0	0	4	0	0	
		0		0	1	0	0	0	
		0		0	2	0	0	1	
		0		0	1	0	0	0	
		21		20	24	21	3	9	
		1		1	2	0	0	0	
	25	22		31	28	3	10		
	NO - NEW ORLEANS, LA - SAC	3		2	1	0	0	0	
		2		0	0	40	0	0	
		0		0	3	0	0	0	
		9		9	6	22	3	7	
		7		7	4	3	1	2	
		0		4	1	4	0	0	
		0		1	0	0	0	0	

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2012	NO - NEW ORLEANS, LA - SAC	NO - NEW ORLEANS, LA - SAC	(b) (7) (E)	2	2	2	7	3	0
				3	4	0	8	0	0
				1	1	1	4	0	3
				0	2	0	0	0	0
				42	31	21	26	37	56
				1	1	1	0	0	0
				70	64	40	114	44	68
		NV - NASHVILLE, TN - RAC		0	0	2	0	0	0
				1	2	0	0	0	1
				0	0	0	1	1	0
				0	0	2	0	0	0
				0	0	1	0	0	0
				2	1	1	5	3	2
				5	0	0	1	1	0
				1	2	2	0	0	0
				2	2	12	2	1	1
				0	0	0	2	0	0
				0	5	0	2	0	0
				1	3	1	0	0	0
				26	9	15	20	7	21
				1	1	1	0	0	0
				0	0	0	1	0	0
				39	25	37	34	13	25
SH - SHREVEPORT, LA - RAC	0	0	0	0	0	1			

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Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2012	NO - NEW ORLEANS, LA - SAC	SH - SHREVEPORT, LA - RAC	(b) (7) (E)	1	0	0	0	0	0
				7	2	3	1	1	0
				4	0	22	6	0	0
				12	2	25	7	1	1
		TT - CHATTANOOGA, TN - RAC		1	1	1	0	0	0
				3	0	0	1	0	0
				35	26	17	8	2	10
				6	6	6	6	0	0
				45	33	24	15	2	10
		TX - TEXARKANA, AR - RAC		1	1	1	2	0	1
				0	0	2	0	0	0
				1	1	0	0	0	1
				1	1	0	1	0	0
				10	6	10	9	0	2
				13	9	13	12	0	4
		UQ - NEW ORLEANS ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	1	0	0
				0	0	0	1	0	0
	NO - NEW ORLEANS, LA - SAC - Total			691	582	438	668	226	271
	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC		218	185	192	416	3	2
				6	6	6	0	0	0
				0	0	2	0	0	0

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2012	NY - NEW YORK, NY - SAC	JK - JFK AIRPORT, NY - ASAC	(b) (7) (E)	0	0	0	1	0	0
				1	0	0	4	0	0
				3	4	2	8	2	1
				1	1	1	0	0	0
				2	0	1	5	0	0
				231	196	204	434	5	3
		LI - LONG ISLAND, NY - ASAC		2	0	0	0	0	0
				15	11	10	19	2	1
				0	0	0	5	0	0
				1	1	6	0	0	0
				0	0	0	8	0	2
				9	6	1	19	1	0
	LL - CASTLE POINT, NY - RAC	1		1	0	0	0	1	
		1		2	0	0	0	0	
		44		15	21	12	0	19	
		2		1	4	0	0	0	
		75		37	42	63	3	23	
				1	0	1	0	0	0
	0			0	0	0	0	1	
	2			1	1	6	0	0	
	68			70	29	0	0	0	
	0			0	1	0	0	0	
	49			26	55	6	0	2	
	0			1	0	1	1	0	

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2012	NY - NEW YORK, NY - SAC	LL - CASTLE POINT, NY - RAC	(b) (7) (E)	2	0	0	0	0	0
				122	98	87	13	1	3
		NY - NEW YORK, NY - SAC		0	0	1	0	0	0
				0	0	3	0	0	0
				0	0	0	0	0	1
				0	2	3	2	0	0
				4	4	5	1	0	21
				0	0	1	0	0	0
				0	1	1	4	0	4
				0	0	0	0	0	1
				0	0	0	1	0	1
				3	5	3	5	0	0
				0	0	0	12	0	0
				32	26	26	34	1	6
				4	5	1	3	0	0
				1	0	1	3	47	2
				40	21	13	39	3	0
				0	0	1	1	0	0
				2	0	0	3	1	13
				1	0	1	1	0	6
				0	5	4	0	1	0
				8	15	5	3	3	0
				0	1	1	1	1	0
				262	152	163	71	17	130

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Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2012	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC	(b) (7) (E)	21	16	17	39	13	36	
				1	0	0	0	0	0	
				110	63	90	75	3	0	
				489	316	340	298	90	221	
		UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	5	0	0	
				9	9	0	30	0	0	
				9	2	2	56	0	0	
				18	11	2	91	0	0	
				935	658	675	899	99	250	
				2,093	1,449	1,252	1983	419	617	
NY - NEW YORK, NY - SAC - Total										
2012 - Total										

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ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2013	BU - BUFFALO,NY-SAC	AB - ALEXANDRIA BAY, NY - RAC	(b)(7)(E)	2	1	1	1	0	0	
				1	0	0	0	0	0	
				0	2	8	1	0	0	
				2	0	1	3	0	0	
				5	3	10	5	0	0	
				AY - ALBANY, NY - RAC	7	4	6	15	12	0
					0	2	0	0	0	0
					2	0	0	8	1	0
					10	0	1	10	1	0
					0	0	0	0	0	1
					22	2	6	10	3	0
					2	0	2	3	2	0
		43			8	15	46	19	1	
		BU - BUFFALO,NY-SAC		8	6	4	2	0	17	
				1	1	0	1	3	0	
				1	0	0	0	0	2	
				1	0	0	0	0	1	
				0	0	0	2	0	0	
				112	34	36	126	11	11	
				0	0	0	1	0	0	
				40	32	2	1	9	1	
				7	0	0	0	0	0	
				9	1	0	10	3	1	
				3	1	1	36	2	0	

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Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2013	BU - BUFFALO,NY-SAC	BU - BUFFALO,NY-SAC	(b)(7)(E)	2	1	0	0	1	0
				2	3	1	7	2	0
				1	0	0	0	0	0
				1	0	0	0	0	0
				0	3	3	0	0	0
				46	10	12	57	22	2
				12	1	2	17	7	2
				2	1	3	1	1	8
				0	1	0	5	1	0
				248	95	64	266	62	45
		MZ - MASSENA, NY - RAC		0	3	4	0	0	1
				19	1	1	3	1	0
				4	1	1	3	0	2
				23	5	6	6	1	3
		RP - ROUSES POINT - RAC		2	1	1	0	0	0
				50	15	21	62	2	4
				1	0	0	0	0	0
				0	0	0	1	0	0
				4	7	3	1	0	0
				2	2	1	2	3	0
				5	2	1	7	1	0
				12	0	0	0	0	0
				18	5	9	14	7	7

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Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2013	BU - BUFFALO, NY- SAC			94	32	36	87	13	11
		UK - BUFFALO ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	51	0	0
				0	0	0	1	0	0
				0	0	0	52	0	0
		YR - SYRACUSE, NY - RAC		0	0	0	0	0	1
				4	3	4	8	1	0
				47	6	4	5	2	0
				0	0	2	0	0	0
				0	1	1	0	0	0
				8	1	1	2	0	0
				2	2	0	0	0	0
				61	13	12	15	3	1
	BU - BUFFALO, NY-SAC - Total			474	156	143	477	98	61
	NO - NEW ORLEANS, LA - SAC	BI - BIRMINGHAM, AL - RAC		1	1	0	0	0	1
				0	0	0	1	0	0
				1	0	0	3	3	0
				4	0	1	0	1	0
				0	2	1	0	0	0
				41	19	29	20	12	19
				4	1	0	7	1	1
				4	0	0	7	1	0
				55	23	31	38	18	21

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Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2013	NO - NEW ORLEANS, LA - SAC	BT - BATON ROUGE, LA - RA	(b) (7) (E)	4	3	2	0	0	0
				0	0	0	0	0	2
				6	3	0	6	0	0
				1	0	1	6	1	0
				53	53	1	0	0	0
				56	45	6	25	20	1
				1	2	2	0	0	2
		121		106	12	37	21	5	
		FB - FT. SMITH, AR - RAC		2	2	0	2	0	0
				7	7	21	9	1	2
				9	9	21	11	1	2
		FU - FAYETTEVILLE, AR - RAC		0	0	0	1	0	0
				8	9	8	16	2	5
				1	1	0	2	1	0
				15	10	9	31	17	5
				1	0	0	3	1	0
				1	1	0	0	0	1
				26	21	17	53	21	11
		GU - GULFPORT, MS - RAC		0	0	0	1	0	0
				2	0	0	2	1	0
				5	2	42	4	3	0
				2	0	0	0	0	0
				0	0	0	1	0	0

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Date: 12/10/2013

January 20, 2009 thru December 10, 2013

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2013	NO - NEW ORLEANS, LA - SAC	GU - GULFPORT, MS - RAC	(b) (7) (E)	42	23	20	32	5	5
				2	1	0	2	0	0
				1	0	0	0	0	1
				54	26	62	42	9	6
		HU - HOUMA, LA - RAC		1	1	1	0	0	1
				0	2	3	0	0	0
				22	15	7	3	6	1
				23	18	11	3	6	2
		JA - JACKSON, MS - RAC		1	0	1	0	0	0
				0	0	1	0	0	0
				7	1	1	10	0	0
				0	0	1	0	0	0
				2	0	1	0	1	0
				1	1	0	1	0	0
				25	19	27	26	3	11
				1	2	1	3	0	0
				37	23	33	40	4	11
		KI - KNOXVILLE, TN - RAC		2	1	0	0	0	1
				1	1	1	0	0	0
				1	1	1	0	0	0
				0	0	0	4	0	0
				1	0	1	5	1	0
				2	2	2	0	0	0

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SAC OFFICES: BU, NO, NY - SOURCE CODE NOT EQ R

ENFORCEMENT STATISTICS

Date: 12/10/2013

January 20, 2009 thru December 10, 2013

CALENDAR YEAR	SAC/ATTACHE	OFFICE	SOURCE CODE	CRIMINAL ARRESTS	INDICTMENTS	CONVICTIONS	SEIZURES	SEARCH WARRANTS	ADMIN ARRESTS
2013	NO - NEW ORLEANS, LA - SAC	KI - KNOXVILLE, TN - RAC		0	0	0	0	0	3
				22	7	6	7	1	10
				29	12	11	16	2	14
		LC - LAKE CHARLES, LA - RAC		1	1	1	0	0	0
				7	2	2	1	1	0
				7	6	8	6	2	1
				5	2	4	0	0	0
				20	11	15	7	3	1
		LF - LAFAYETTE, LA - RAC		1	1	0	1	0	2
				1	0	0	3	0	0
				4	2	1	3	10	0
				4	0	2	2	0	0
				0	0	0	1	0	0
				9	8	4	1	3	0
				16	1	11	6	4	1
				35	12	18	17	17	3
		LR - LITTLE ROCK, AR - RAC		1	0	0	0	0	0
				0	0	0	0	1	0
				1	0	0	2	0	0
				11	6	3	7	5	0
				9	7	0	3	1	0
				14	13	12	13	11	0
				0	0	0	3	1	0

(b)(7)(E)

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2013	NO - NEW ORLEANS, LA - SAC	ME - MEMPHIS, TN - ASAC	(b)(7) (E)	36	26	15	28	19	0
				1	0	0	0	0	0
				0	0	2	0	0	0
				0	0	0	0	0	1
				14	15	16	0	1	0
				33	20	1	69	1	0
				0	1	1	1	0	0
				2	2	1	10	4	0
				1	0	0	2	1	0
				31	38	1	1	0	0
				19	10	6	13	3	0
				1	1	0	0	0	1
				0	0	0	0	1	0
				102	87	28	96	11	2
		MO - MOBILE, AL - ASAC		0	0	0	1	0	1
				0	2	0	0	0	0
				1	1	0	7	1	0
				0	0	0	0	1	0
				0	0	0	1	1	0
				1	1	0	0	0	0
				43	13	17	51	11	3
				45	17	17	60	14	4
		NO - NEW ORLEANS, LA - SAC		4	4	1	5	0	1

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2013	NO - NEW ORLEANS, LA - SAC	NO - NEW ORLEANS, LA - SAC	(b) (7) (E)	1	3	4	0	0	0
				9	9	7	62	1	0
				2	1	0	2	0	0
				22	4	2	25	6	0
				1	3	1	1	0	0
				4	1	0	0	1	0
				4	0	0	6	1	0
				0	1	1	3	0	0
				0	0	0	0	0	1
				1	1	4	9	1	0
				0	0	0	4	0	0
				30	13	10	25	16	0
				8	5	2	13	10	1
				86	45	32	155	36	3
				2	2	1	0	0	0
				0	0	0	2	1	0
				0	0	1	0	1	0
				4	3	3	16	3	1
				0	6	6	0	0	4
				0	0	0	0	1	0
				0	5	15	0	0	0
				0	0	1	0	0	0
				17	6	8	31	3	6
				0	1	1	4	0	0
		NV - NASHVILLE, TN - RAC							

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2013	NO - NEW ORLEANS, LA - SAC	NV - NASHVILLE, TN - RAC	(b)(7)(E)	3	0	0	8	2	1
				26	23	36	61	11	12
		SH - SHREVEPORT, LA - RAC		0	1	0	0	0	0
				1	1	1	0	0	0
				0	0	0	4	1	0
				12	2	2	4	1	0
				4	0	4	5	1	0
				17	4	7	13	3	0
		TT - CHATTANOOGA, TN - RAC		6	2	1	3	0	0
				0	0	0	1	0	0
				1	0	0	0	0	0
				43	15	0	1	1	0
				14	6	9	8	2	0
				64	23	10	13	3	0
		TX - TEXARKANA, AR - RAC		0	0	1	0	0	0
				4	4	2	1	0	1
				3	0	0	6	1	0
				3	3	0	1	0	0
				0	0	1	0	0	0
				17	3	7	12	4	11
				27	10	11	20	5	12
		UQ - NEW ORLEANS ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	1	0	0
				0	0	0	1	0	0

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2013	NO - NEW ORLEANS, LA - SAC			0	0	0	2	0	0
	NO - NEW ORLEANS, LA - SAC - Total			812	496	387	712	204	109
	NY - NEW YORK, NY	JK - JFK AIRPORT, NY - ASAC - SAC		2	0	0	0	0	0
				188	134	78	283	5	2
				13	15	0	1	0	0
				0	0	0	1	2	0
				4	0	1	8	0	0
				0	0	1	0	0	0
				3	3	2	0	0	0
				5	11	3	5	0	0
				4	0	0	0	1	0
				4	7	0	0	0	0
				223	170	85	298	8	2
	LI - LONG ISLAND, NY - ASAC			0	0	0	0	0	1
				1	0	1	0	0	1
				5	24	7	6	3	2
				1	1	6	1	0	0
				5	6	6	8	2	1
				0	0	1	0	0	0
				0	0	2	0	0	0
				32	36	23	12	0	2
				44	67	46	27	5	7
	LL - CASTLE POINT, NY - RAC			2	0	0	3	0	0

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2013	NY - NEW YORK, NY - SAC	LL - CASTLE POINT, NY - RAC	(b) (7) (E)	7	1	1	0	0	0
				16	16	20	0	0	2
				0	0	0	5	4	0
				19	19	28	25	1	0
				0	0	1	2	2	0
				44	36	50	35	7	2
		NY - NEW YORK, NY - SAC		3	3	0	0	0	3
				0	0	0	2	1	0
				2	2	5	0	0	8
				2	2	2	2	0	1
				1	1	2	0	0	0
				3	0	0	0	0	0
				0	1	3	0	0	0
				2	0	0	1	0	0
				21	12	18	15	3	1
				0	0	0	3	0	0
				1	3	2	0	1	1
				43	29	19	26	0	0
				3	0	0	3	0	3
				0	0	0	1	0	3
				8	14	1	3	0	0
				2	1	7	0	1	0
				2	0	1	0	0	0
				128	71	97	79	15	8

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2013	NY - NEW YORK, NY - SAC	NY - NEW YORK, NY - SAC	(b) (7) (E)	47	37	19	70	22	34
				1	0	0	0	0	0
				1	0	0	0	0	1
				179	132	88	117	21	1
				449	308	264	322	64	64
		UN - NEW YORK ASSET IDENTIFICATION/REMOVAL GROUP		0	0	0	1	0	0
				0	0	0	1	0	0
				0	0	0	6	0	0
				0	0	7	21	0	0
				9	1	0	47	0	0
			1	0	0	0	0	0	
			10	1	7	76	0	0	
				770	582	452	758	84	75
		NY - NEW YORK, NY - SAC - Total							
2013 - Total				2,056	1,234	982	1947	386	245

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U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: All ICE Employees

FROM: John Morton
Director

SUBJECT: Statement of Policy and Intent Regarding Employee Integrity

I write to remind all employees of the special public trust and confidence that we must all honor as we go about our important business as representatives of U.S. Immigration and Customs Enforcement (ICE). As a federal law enforcement agency entrusted with upholding the Constitution and enforcing the customs and immigration laws of this nation, all ICE employees must exhibit the highest standards of integrity and professionalism in their conduct and interaction with the public.

The professional conduct of employees should demonstrate the qualities of integrity, honesty, and loyalty to the United States, a deep sense of responsibility for the public trust, promptness and courtesy in dealing with and serving the public, and a standard of personal behavior that reflects positively upon, and will be a credit to, all employees of ICE and the United States Government.

All employees, regardless of position or rank, are accountable for their choices and actions. Employees who violate the public trust for personal gain or other personal motives, or who compromise their integrity, undermine how the public views them, their co-workers and, in turn, the entire agency. Failure to demonstrate the highest standard of integrity can also interfere with ICE's ability to further the mission that you faithfully carry out each and every day. Consequently, ICE employees must not engage in any conduct or activities that would discredit them, bring ICE into disrepute, or impair the agency's efficient and effective operation.

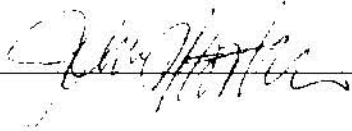
This memorandum should also serve as a reminder that ICE employees must abide by applicable ICE policies and other rules that govern their conduct at all times, in the United States or abroad. Regardless of local laws or regulations, employees who are permanently stationed abroad or on official travel abroad must abide by the laws, rules, and regulations of the United States. Any ICE employee on official travel abroad is also subject to any rules set forth by the applicable Chief of Mission.

Ethics rules and related policies governing the conduct of ICE employees are available on our website. The ICE Ethics Office and the Office of Professional Responsibility are always available to answer any questions you may have and provide guidance on ethics and prohibited conduct.

Statement of Policy and Intent Regarding Employee Integrity

Page 2 of 2

By the authority vested in me as Director of U.S. Immigration and Customs Enforcement, I direct the foregoing policy and intent regarding integrity be communicated to the workforce through the leadership of ICE and implemented forthwith.

Signature  Date 5/29/12

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

1033.1: Employee Code of Conduct

Issue Date: August 7, 2012

Effective Date: August 7, 2012

Superseded: This Directive is the originating and establishing document regarding the U.S. Immigration and Customs Enforcement (ICE) Employee Code of Conduct. This Directive supersedes all previous U.S. Immigration and Naturalization Service or U.S. Customs Service issuances, but does not supersede the authorities or references listed in section 7 of this Directive. Additionally, this Directive supersedes any and all local guidance and procedures that are inconsistent with this Directive.

Federal Enterprise Architecture Number: 306-112-002b

1. **Purpose/Background.** As a law enforcement agency, ICE and all its employees have been given the honor of a special public trust. It is imperative that everyone at ICE respect this special public trust by exercising their power and authority with integrity. This includes building and maintaining the trust and confidence of the nation's citizenry; their support enhances ICE's ability to accomplish its mission. To accomplish this, all ICE employees' professional behavior must be beyond reproach and be a model for all to follow. All ICE employees must clearly understand that they are not only representing themselves, but also their co-workers, ICE, and the Federal Government, and that the highest standards of conduct and ethical behavior are required. The purpose of this Directive is to set forth general standards of conduct for all ICE employees to follow that promote integrity and professionalism, conform to established ethical principles, and further the mission of ICE and the efficiency of the Federal government in a manner that merits the respect of the public we serve.
2. **Policy.** To maintain the highest standards of integrity and professionalism at ICE, all employees, whether on- or off-duty or on official travel, must conduct themselves in a manner that does not adversely reflect on ICE; impede the ability of ICE or DHS to discharge its mission; cause embarrassment to the agency; or cause the public or ICE to question the reliability, judgment, or trustworthiness of its employees. All ICE employees will carry out their duties in a professional and business-like manner and will adhere to this Directive and any other applicable policies, statutes, rules, or regulations that govern conduct at all times, in the United States or abroad, whether or not they appear in this Directive. Employees are accountable for their actions and are subject to appropriate disciplinary action for misconduct when there is a nexus, i.e., connection, between their misconduct (on- or off-duty) and the efficiency of the service. Depending on the circumstances, failure to adhere to this Directive may result in disciplinary, adverse, or other corrective action. This Directive does not prohibit conduct that is protected by federal law.

3. Definitions. None.

4. Responsibilities.

4.1. The Director of ICE is responsible for establishing the Code of Conduct for all ICE employees.

4.2 The ICE Ethics Office is responsible for:

- 1) Advising ICE employees on their ethics obligations.
- 2) Responding to employees' questions concerning potential conflicts between their official responsibilities as government employees and their personal activities or other ethics questions, such as outside employment, fundraising, and giving/receiving gifts.

4.3. Supervisors are responsible for:

- 1) Ensuring that all employees receive and acknowledge receipt of a copy of this Directive within the first pay period of their employment and are made aware of any updates or amendments within one pay period of issuance.
- 2) Providing positive leadership and serving as a role model for their employees by complying with the Directive.
- 3) Treating fellow ICE employees with dignity and respect.
- 4) Communicating to their employees that discrimination, harassment, a hostile work environment, and retaliation will not be condoned or tolerated.
- 5) Taking action promptly to notify the Office of Professional Responsibility (OPR) of known or suspected arrests, criminal activity, or serious misconduct on the part of employees.
- 6) Addressing allegations of less serious misconduct in accordance with ICE policy.

4.4. ICE Employees are responsible for:

- 1) Reviewing and abiding by this Directive.
- 2) Being aware of the consequences of violating this Code of Conduct, applicable statutes, regulations, and rules regarding employee conduct.
- 3) Complying with the Standards of Ethical Conduct for Employees of the Executive Branch (5 Code of Federal Regulations (C.F.R.) Part 2635), and the Federal Criminal Conflict of Interest statutes (18 United States Code §§ 201-209).

- 4) Reporting employee misconduct, including arrests and violations of law, rule, or regulation, in accordance with established policies and procedures.
 - 5) Timely filing of any required public or confidential financial disclosure and completing required ethics training.
 - 6) Seeking advice and guidance as needed from their supervisor concerning their responsibilities under this and other policies governing employee conduct.
 - 7) Completing the ICE Ethics Orientation for new employees within 90 days of starting employment at ICE, and annually completing required Ethics and Prevention of Sexual Harassment training courses.
 - 8) Seeking advice and guidance as needed from the ICE Ethics Office concerning potential conflicts between their official responsibilities as government employees and their personal activities.
- 5. Procedures/Requirements.** All ICE employees must abide by the standards of conduct set forth in this Directive. ICE employees must understand that this is not an exhaustive list. The absence of a specific standard of conduct does not mean that the unspecified behavior is permissible or that no corrective action will be taken as a result from unspecified misconduct. Employees must comply with all applicable statutes, rules, policies, and regulations, and must not commit any of the offenses listed in the ICE Table of Offenses and Penalties.

5.1. Conduct Unbecoming of an ICE Employee.

Because we are entrusted with enforcing the Constitution and laws of the United States, all employees must scrupulously avoid any conduct that might compromise their integrity or that of their fellow employees or ICE. ICE employees must not engage in any conduct or activities on- or off-duty that would discredit the employee, embarrass or bring ICE into disrepute, interfere with or adversely affect ICE's mission, or impair its efficient and effective operation.

5.2. Loyalty.

Public service is a public trust. Each ICE employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain.

5.3. Truthfulness.

ICE employees must be accurate, complete, and truthful in all official matters. ICE employees must not make any misleading or ambiguous statements about official matters that are designed to deceive or mislead others unless it is necessary in connection with an

official assignment. This includes cooperating with official inquiries and providing complete and accurate information in regard to any issue under investigation.

5.4. Courtesy.

ICE employees must be professional, polite, respectful, considerate, helpful, and patient in all official activities that involve contact with fellow workers or members of the public, even in the face of considerable provocation.

5.5. Professionalism.

As part of ICE's responsibility for maintaining a safe, respectful, and productive work environment, employees must display professionalism in their work at all times. All employees must be treated equally, regardless of age, disability, race, marital status, sex, sexual orientation, color, religion, political beliefs, national origin or descent.

Employees may not harass their co-workers or engage in gender-based or sexual harassment in the workplace. They may not abuse in any way their position towards a person who is dependent upon them, including their subordinates. ICE does not tolerate workplace violence including fighting, threats (verbal, visual, or written), or other disruptive behavior or language.

5.6. Ethical Responsibilities.

To ensure that every citizen can have complete confidence in the integrity of the Federal Government, all employees must comply with the Standards of Ethical Conduct for Employees of the Executive Branch found at 5 C.F.R. Part 2635.

5.7. Prohibited Associations and Establishments.

ICE employees may not knowingly and inappropriately interact or associate with any persons or organizations actively connected to or engaged in criminal or unlawful activity unless it is necessary as part of an official assignment. ICE employees may not engage in any inappropriate social, sexual, financial, or business relationship with an informant, former informant, or suspected or known criminal. Employees also may not knowingly employ individuals who do not have lawful immigration status in the United States.

5.8. Use of Alcohol and Drugs.

ICE employees may not use illegal substances and may not use legal substances, including alcohol, in a manner that adversely affects the performance of their duties. Employees must not operate government vehicles under the influence of alcohol or other substances that impair operation of government vehicles.

5.9. Gambling.

ICE employees may not engage in any gambling activity while on duty or on Government-owned or -leased property, including gambling on the internet, having an office pool, or conducting any game with financial stakes.

5.10. Attempted Bribes.

Offers of bribery represent direct attacks on the integrity of ICE. If a bribery overture is made, ICE employees must report such activity immediately to the local OPR office by telephone: 1-877-246-8253, or by email Joint.Intake@dhs.gov. ICE employees may also report such activity to the DHS Office of Inspector General.

5.11. Financial Obligations.

ICE employees are expected to meet all just financial obligations and must not knowingly enter into debts they cannot pay. A "just financial obligation" is one that employees have acknowledged or one where there is a final order requiring payment.

5.12. Proper Use of Government Property.

ICE employees must be good stewards of government property and must conserve, protect, and dispose of such property in accordance with the established procedures. In addition to disciplinary or adverse action, employees may also be responsible for paying for damage to, or loss of, government property in their care. Any lost, damaged, or stolen property (including firearms and badge/credentials) must be reported to the appropriate supervisor as soon as possible.

5.13. Use of Badges, Credentials, Official Identification.

Badges, credentials, and official identification cards must be used only for official purposes.

5.14. Safeguarding and Use of Information, Documents and Records.

Employees will properly handle Government records in accordance with ICE and DHS policies including those governing the handling of Sensitive Personally Identifiable Information, Sensitive Security Information, Classified Information, or For Official Use Only/Sensitive but Unclassified information.

5.15. Standard of Attire.

ICE employees must present a professional and positive image to the public and our colleagues both within and outside of ICE. While on official duty, employees must adhere to any applicable dress code policy where they are stationed.

5.16. Reporting Violations of Laws and Employee Misconduct.

Employees have a responsibility to report allegations of employee misconduct, including any violations of law, rule or regulation, of which they are aware. Employees must promptly report to their supervisor and OPR if they are arrested or charged formally in connection with any violation of a federal, state, or local law. Routine traffic tickets do not need to be reported unless the violation is drug or alcohol related (e.g., DUI charges). Reporting must be done in accordance with existing laws and policies.

5.17. Official Travel.

ICE employees must abide by this Code of Conduct and all DHS or ICE policies while stationed abroad or on official travel, even if the prohibited behavior would be permissible under local laws. Any ICE employee on official travel abroad is also subject to any rules set forth by the applicable Chief of Mission.

6. Recordkeeping. None.

7. Authorities/References.

- 7.1.** Sections 402(3) and 402(5) of the Homeland Security Act of 2002.
- 7.2.** 18 U.S.C. §§ 201-209.
- 7.3.** 5 U.S.C. §§ 7321-7326 (The Hatch Act) and implementing regulations at 5 C.F.R. Part 734.
- 7.4.** Stop Trading on Congressional Knowledge Act of 2012 (Stock Act), Public Law No. 112-05.
- 7.5.** 5 C.F.R. Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch.
- 7.6.** 5 C.F.R. Part 2634, Executive Branch Financial Disclosure, Qualified Trusts and Certificates of Divestiture.
- 7.7.** 5 C.F.R. Part 950, Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations.
- 7.8.** 5 C.F.R. Part 735, Employee Responsibilities and Conduct.
- 7.9.** Department of Homeland Security Management Directive 0480.1, "Ethics/Standards of Conduct."
- 7.10.** ICE Directive 17001.1 (formerly directive 6-1.0), "Functions of the Office of Professional Responsibility."

- 7.11. ICE Directive 1022.1 (formerly directive 1-15.0), "Table of Offenses and Penalties (TOP)."
 - 7.12. ICE Directive 1027.1, "Romantic or Sexual Relationships between ICE Supervisors and their Subordinates (Anti-Fraternization Policy)."
 - 7.13. ICE Directive 1032.1, "Statement of Policy and Intent Regarding Employee Integrity."
 - 7.14. ICE and Customs and Border Protection joint memorandum, signed by the Commissioner of CBP and the Assistant Secretary of ICE dated July 2, 2004, titled, "Guidance on Reporting Employee Misconduct."
 - 7.15. ICE memorandum, signed by ICE Deputy Director Peña dated November 10, 2010, titled, "Directing Complaints Appropriately to the Joint Intake Center (JIC), the Office of Professional Responsibility (OPR), the Office of the Inspector General (OIG), or Local Management."
 - 7.16. ICE Employees' Guide to the Standards of Conduct.
8. **Attachments.** None.
9. **No Private Right.** These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.



John Morton
Director
U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

OCT 25 2013

MEMORANDUM FOR: Career and Non-Career Senior Executive Service Members
and Schedule C Employees

FROM: Daniel H. Ragsdale *DHR*
Deputy Director

SUBJECT: Ethics Exit Brief

U.S. Immigration and Customs Enforcement (ICE) is committed to the highest standards of professional conduct and expects all ICE employees to adhere to these standards. As the most senior and high-profile employees of this agency, we hold positions vested with the trust and confidence of the talented workforce that we lead and the American public whom we serve and protect. Consistent with these principles, it is the obligation of all federal employees to act in accordance with the Executive Branch Standards of Conduct and general post-government employment service restrictions, as codified in 18 U.S.C. §§ 208 and 207, 41 U.S.C. §§ 2101-2107 and 5 CFR § 2635.

The rules regarding post-government employment (cited above) can be complex and difficult to navigate. In order to help employees understand how the rules apply to them and to ensure compliance, all career and non-career Senior Executive Service (SES) members and Schedule C employees must receive an ethics briefing by an ICE Ethics attorney prior to departing the agency for employment with a non-federal entity. Upon departure from federal service, the required exit clearance forms will be noted as having completed the requirement. Those SES and Schedule C employees transferring within the Federal Government do not need to be briefed but are required to check-out with an ICE Ethics attorney.

The ethics exit briefing will cover important and highly relevant topics, such as potential conflicts of interest while seeking future employment, post-government employment service restrictions, obligations under the Stop Trading on Congressional Knowledge (STOCK) Act, and financial disclosure filing requirements.

Please contact the ICE Ethics Office at (b)(7)(E) in the early stages of planning for post-government employment to take full advantage of their advice and assistance.



**U.S. Immigration
and Customs
Enforcement**

DEC 08 2009

MEMORANDUM FOR: Field Office Directors and
All Fugitive Operation Team Members

FROM: John Morton
Assistant Secretary 

SUBJECT: National Fugitive Operations Program: Priorities, Goals, and
Expectations

Purpose

This memorandum serves to clarify the enforcement priorities of the National Fugitive Operations Program (hereinafter the program) within the Office of Detention and Removal Operations (DRO) and supersedes previously issued fugitive operations guidance. The existence and continuation of this program are essential to the integrity of the immigration and border controls. Good government is poorly served if, after much time and the expenditure of government resources, final orders of removal are ignored without consequence. Indeed, the sound administration of the nation's immigration system depends on an efficient, fair, and meaningful removal process. As a result, it is the clear policy of this agency that final orders of removal should be enforced and that those who knowingly disobey or evade a final order of removal should be apprehended and removed.

In order to ensure that the program's resources are used efficiently and as envisioned by Congress, it is the policy of this agency that the program focus on its core mission—the apprehension and removal of fugitive aliens.¹ In the interest of public safety and the rule of law, the program's resources may also be used to apprehend and remove (1) aliens who have been removed previously from the United States and then return illegally, and (2) criminal or otherwise dangerous aliens living at large in our communities. As a general rule, the program's resources should not be used to target other classes of removable aliens, although fugitive operations teams may apprehend and remove such aliens if encountered during normal operations.

¹ A fugitive is any alien who has failed to leave the United States following the issuance of a final order of removal, deportation, or exclusion or has failed to report to ICE after receiving notice to do so.

Enforcement Priorities

The following three tiers reflect, in order of priority, how fugitive operations teams should focus their resources. Teams must focus the vast majority of resources, at least 70%, on tier 1 fugitives. The remainder should be directed to tiers 2 and 3. The priorities within each tier are also listed below, with level I generally warranting more attention than level II, and so forth. These tiers and levels provide clear guidance to the field but should not be applied so rigidly as to undermine sound judgment when exceptions are warranted by circumstance.² Similarly, the tiers should not be so rigidly interpreted to prevent prioritizing an illegal reentrant with a serious criminal conviction over a fugitive with no criminal history.

Tier 1 Fugitive aliens

- I. Fugitives who pose a threat to national security
- II. Fugitives convicted of violent crimes or who otherwise pose a threat to the community
- III. Fugitives with a criminal conviction other than a violent crime
- IV. Fugitives with no criminal conviction

Tier 2 Previously removed aliens

- I. Previously removed aliens who pose a threat to national security
- II. Previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community
- III. Previously removed aliens with a criminal conviction other than a violent crime
- IV. Previously removed aliens with no criminal conviction

Tier 3 Removable aliens convicted of crimes

- I. Aliens convicted of level 1 offenses, as defined for purpose of Secure Communities
- II. Aliens convicted of level 2 offenses, as defined for purposes of Secure Communities
- III. Aliens convicted of level 3 offenses, as defined for purposes of Secure Communities

With respect to non-criminal fugitive targets in Tier 1, level IV, the Fugitive Operations Support Center (FOSC) and teams should consider that aliens who are the subject of in absentia orders and aliens with pending applications for relief before U.S. Citizenship and Immigration Services are more likely to have viable motions to reopen. For that reason, resources—particularly detention resources—may be better focused on other targets, unless aggravating circumstances offset the possibility of reopening or prolonged proceedings.

To promote efficiency, teams are expected to focus resources on cases with the most current investigative leads, including cases with the most recently issued final orders as these are most

² These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

likely to contain up-to-date contact information. These should be targeted as soon as possible to limit the opportunity for a fugitive to relocate. Teams are expected to act expeditiously if they receive current, time-sensitive leads.

As resources are best spent on cases with the freshest and most reliable leads, FOSC has created a cold case docket for those cases without any investigative leads in the past decade. FOSC will review the cold case docket twice a year to determine if new information has surfaced. New information may cause FOSC to conclude the case is resolved (for instance, because the case was reopened) or return it to the active fugitive docket (for instance, because of new information about the alien's location).

Teams will receive Fourth Amendment training every six months which will focus on the special considerations when apprehending fugitives at their home. Any team member with questions should consult his or her supervisors and consult with the Office of Chief Counsel. Team members are encouraged to engage in surveillance both to promote officer safety and increase the likelihood the team will encounter the targeted alien—rather than aliens who are not in the tiers above and would not otherwise have been the focus of limited government resources.

If during the course of operations teams encounter removable aliens, teams may place those aliens into removal proceedings, even if they are not in one of the three tiers. However, this should not detract attention away from the reason Congress mandated and funded fugitive operation teams—the apprehension and removal of fugitive aliens. In any event, detention resources shall be focused on aliens in the three tiers above and aliens subject to mandatory detention by law. Absent extraordinary circumstances, team members should not detain aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing, or the sole caretaker(s) of children or the infirm. To detain aliens in those categories, team members must secure approval from the Field Office Director and send a significant event notice (SEN) to headquarters.

Measuring Success

As apprehending and removing fugitives is the program's core mission, field offices' performance will be measured in part by the reduction in the fugitive docket and by compliance with priorities. Each field office and the FOSC should strive to reduce the pool of fugitives by 5% more in FY 2010 than it did in FY 2009. A field office may increase productivity—the reduction in the fugitive pool—by apprehending fugitives or otherwise resolving fugitive cases, even if no arrest is involved. This includes resolving cases by determining that a target has departed the country on his or her own or determining that the case was reopened or the target has since received an immigration benefit. Field offices should not feel such pressure to meet this goal that they lose focus on the priorities and sound use of resources. This goal does not constitute a quota; rather, this goal allows the teams to gage their productivity.

The field should not focus on numbers to the detriment of targeting and arresting the most egregious, violent offenders in their area of responsibility (AOR). To acknowledge the tiered prioritization above, DRO also will track fugitive arrests, by tier, using (b)(7)(E) Arrests will be separated by tiers, criminal and non-criminal arrests, and indictments and

convictions attributed to teams during operations. This system will credit teams for locating high priority aliens, even if those cases require more time to investigate and close.

Field offices are expected to focus not simply on the apprehension of aliens, but also on their removal. Headquarters will evaluate removals in addition to the metrics above. When fugitives are taken into custody, officers should pay attention to lawful avenues to secure the person's travel documents to reduce detention times and facilitate removal.

Field and National Operations

Field offices have the discretion to conduct operations to advance the program's priorities and accomplish the goal of reducing the fugitive pool. Field offices are encouraged to participate in Operation Cross Check and Operation Secure Streets in collaboration with local United States Attorney's offices. These operations are important as they identify criminal aliens who fall within the three tiers above. Field offices also will be called on to participate in national and strategic headquarters-driven operations. Major operations, whether driven by the field or headquarters, will be coordinated with the Office of the Principal Legal Advisor.

Building Partnerships

Field Office Directors and team members are encouraged to maintain and build positive relationships with federal, state, local, and tribal law enforcement agencies in their AOR. This includes information sharing, consistent with law and policy. Team members are encouraged to advise, and cooperate with, local law enforcement partners when conducting operations. Field Office Directors will coordinate with any local participants in the task force model of the 287(g) program to share information and avoid duplication of efforts.

Field Office Directors also are expected to build relationships with community groups to identify and address concerns about the conduct of fugitive operations. Allegations of misconduct and wrongdoing are referable to the Joint Intake Center (JIC).



U.S. Department of Justice
Immigration and Naturalization Service

HQOPS 50/18 -P

Office of the Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

JUN 14 2000

MEMORANDUM FOR: ALL REGIONAL DIRECTORS

FROM: Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Quick Response Team Response Policy

The Commissioner approved the attached response policy for the Quick Response Teams (QRTs). The issuance of this policy does not preclude QRT officers from conducting other investigative duties assigned by District management, however, the QRTs primary responsibility is responding to requests for assistance from state and local law enforcement agencies (LEA), and training these LEA officers as was outlined in the QRT training program that all QRT officers must attend. Additionally, Headquarters will be mailing out finalized electronic versions of the QRT training program including overlays for QRT officers to use in training LEAs. These are the materials that all QRT officers will utilize when training LEAs.

The definition for "response" in the response policy will be applied to all QRT reporting requirements. This definition is necessary to ensure accurate and consistent reporting throughout all QRT offices.

Attachments (2)

Commissioner Approval of QRT Response Policy
QRT Response Policy



U.S. Department of Justice
Immigration and Naturalization Service

HQOPS 50/18 – P

Office of the Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR: THE COMMISSIONER

THROUGH: THE DEPUTY COMMISSIONER

FROM: Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Quick Response Teams - Response Policy

PURPOSE: Request approval for the attached response policy.

TIMETABLE: Immediately. Quick Response Teams (QRTs) are 90 percent deployed.

SYNOPSIS: The QRT response policy was developed by the Immigration and Naturalization Service (INS), the Office of Special Counsel, Civil Rights Division, and the Community Relations Service.

This policy will be the standard that all QRTs will apply when responding to state and local law enforcement requests for assistance. The response policy will be the cornerstone of the training provided by the INS to state and local law enforcement agencies. It is requested that the policy be reviewed and approved in order for it to be immediately implemented.

APPROVE: _____

(b)(7)(C),(b)(6)

5/25/00

DISAPPROVE: _____

OTHER: _____

Attachment

Quick Response Teams
Response Policy to Outside Law Enforcement Agency Referrals

In the FY 1999 appropriation for the Immigration and Naturalization Service (INS), Congress appropriated funding for the creation of Quick Response Teams (QRTs) "to work directly with state and local law enforcement officers to take into custody and remove illegal aliens." Within the context of the statutory language, the INS intends to establish the QRTs in a manner that supports the law enforcement mission of the INS and protects the constitutional and civil rights of all concerned.

The deployment of the QRTs does not confer Federal immigration authority on any outside law enforcement agency (LEA). A local law enforcement officer does not have authority to determine whether an alien has the right to be or remain in the United States, or to make arrests for administrative violations of the Immigration and Nationality Act. In establishing the QRTs, the INS will provide the local LEAs with training, but this training is not to be interpreted as "cross-training" for the purposes of delegation of authority under Title 8, USC, Section 1357.

The Quick Response Teams will respond to referrals from state and local law enforcement agencies only under the following circumstances:

- 1) When the local law enforcement officer has already arrested and charged an individual for a violation of state or local law; or
- 2) When, pursuant to a lawful stop based on state and local law, the local law enforcement officer has reasonable suspicion that a violation of felony criminal provisions within the authority of the INS has occurred.

For the purposes of this policy a response is defined as:

- a physical response regardless of whether an arrest was made (i.e. a special agent going to a police station);
- the lodging of a detainer with the LEA; or
- a telephonic or video teleconferencing interview to determine alienage and/or removability.

A returned telephone call where one of the above is not involved does not constitute a response under this policy.

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

MEMORANDUM FOR: Field Office Directors AUG 3 2006

FROM: John P. Torres
Acting Director

A handwritten signature in black ink, appearing to read "John P. Torres".

SUBJECT: **Operation Secure Streets – Directive and Guidance**

This Memorandum serves to provide directive and guidance for Operation Secure Streets, an operation developed to address illegal aliens convicted of violations of local driving under the influence laws in your respective areas of responsibility (AORs).

The 23 Field Office Director (FOD) offices shall conduct threat assessments to identify the scope of the problem in their AORs. The Headquarters Detention and Removal Operations (HQDRO) Compliance Enforcement Division (CED) will coordinate with the FODs to develop a five-step process for implementation of Operation Secure Streets, to ensure uniformity and consistency in identifying and prioritizing targets and establish coordination between ICE DRO and other law enforcement agencies.

The Five-Step process, explained in detail below, will be used to identify threats and obtain intelligence, analyze/exploit intelligence, prioritize targets and coordinate with U.S. Attorneys and law enforcement partners, to commence enforcement actions against illegal aliens convicted of violating the drunken driving laws in your AOR.

Step 1 - Identify Threats and Obtain Intelligence:

Effective immediately, FOD Offices shall contact all local law enforcement, probation and parole offices within their AOR to obtain electronic lists of foreign born persons convicted of drunk driving offenses. These lists shall then be forwarded to the Law Enforcement Support Center (LESC) and the Fugitive Operations Support Center (FOSC) for assessment.

Step 2 - Analyze/Exploit Intelligence:

The Fugitive Operations Unit (Fug Ops) within the HQCED shall coordinate the simultaneous collection of the data described in Step 1 with LESC and FOSC. FOSC exploits the data for potential commercial database leads and establishes links and relationships within the data. The LESC runs the data against various ICE and commercial databases in order to identify potential violations under ICE's jurisdiction. The FOSC and LESC work product shall be analyzed and packaged as target folders.

Step 3 - Prioritize Targets:

As target folders are completed, Fug Ops will forward them to the respective FODs for action. The FODs shall prioritize the target folders based on the above analysis and any additional information developed locally. The aliens are NOT limited to those possessing final orders of removal and shall be prioritized as follows:

1. Aliens amenable to removal with prior aggravated drunk driving convictions.
2. Aliens amenable to removal with arrest records indicative of recidivist drunk driving.
3. Aliens amenable to removal with substance-impaired driving convictions.
4. Aliens previously convicted of drunk driving who may be prosecuted for a federal or local violation of law.
5. Aliens amenable to removal without criminal convictions, but who have been previously arrested for alcohol-related or drug-related driving offenses.

If at any time during the process targets are identified as imminent threats to national security or public safety, FODs will initiate immediate enforcement action on those targets.

Step 4 - Coordination with U.S. Attorneys and Law Enforcement Partners:

Upon completion of target prioritization, the FODs shall meet with their respective U.S. Attorneys, brief them on Operation Secure Streets, and seek prosecution as appropriate for those subjects targeted for criminal arrest. FOD offices shall contact federal, state and local law enforcement agencies to ensure coordination and cooperation of enforcement actions.

Step 5 - Enforcement Actions:

Following coordination and cooperation with partner law enforcement agencies, the FODs shall commence enforcement actions to apprehend aliens amenable for removal and/or for existing violations of law. These arrests will be made in the prioritized order listed in Step 3 and will serve as an opportunity to develop sources of information.

Information and intelligence developed during debriefing of gang members should be exploited and utilized for subsequent enforcement actions.

Taskings: All Department of Homeland Security Counterpart Offices

All FODs are directed to contact their respective counterpart at Office of Investigations (OI) and the Border Patrol Chiefs and Port Directors at Customs and Border Protection (CBP) to brief them on Operation Secure Streets, and to establish local protocols for FOD notification when an illegal alien drunken driver is encountered by OI or CBP.

Reporting Requirements:

Operation Secure Streets is expected to receive significant attention from Assistant Secretary Myers and ICE HQ is required to prepare a weekly update on its progress and success.

Therefore, the results of this operation shall be provided in the National Fugitive Operations Program Weekly Report, which is revised to allow for Operation Secure Streets reporting. In addition, all Operation Secure Streets activity shall be entered and captured in the operational field within the Fugitive Case Management System (FCMS).

It is essential that **all** FODs provide timely notification of **all** activity involving apprehensions conducted under the auspices of this operation. Advanced telephonic notification and an A/S Note stating impending enforcement activities relating to this operation shall be made by the Assistant Field Office Director (AFOD) or Deputy Field Office Director (DFOD) to Fugitive Operations Unit Chief at (202) 616-(b)(7) or Fugitive Operations Staff Officer Sean Gallagher at (202) 616-(b)(7) **24 hours** prior to commencement of the activity. Upon completion of the enforcement action, the AFOD/DFOD shall electronically notify Program Manager (b)(7)(C), Special Assistant (b)(7)(C), (b)(6) (202) 616-(b)(7) of the results of the activity. This procedure is in addition to normal reporting requirements through the Significant Event Notification system and is required for all FOD offices.

When appropriate and warranted, FODs shall utilize their local public affairs officers to highlight the successes of Operation Secure Streets. In addition, FODs should utilize existing ICE Attaché offices to further enforcement actions or enhance coordination with foreign counterparts by coordinating with (b)(7)(C), (b)(6) acting Unit Chief of the Travel Document Unit.

Any comments or questions regarding Operation Secure Streets should be directed to Deputy Assistant Director (b)(7)(C), (b)(6) Compliance Enforcement Division, at (202) 616-(b)(7)(C), (b)(6)

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

11064.1: Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities

Issue Date: August 23, 2013
Effective Date: August 23, 2013
Superseded: N/A

Federal Enterprise Architecture Number: 306-112-002b

- 1. Purpose/Background.** U.S. Immigration and Customs Enforcement (ICE) is committed to intelligent, effective, safe and humane enforcement of the nation's immigration laws. ICE seeks to enforce immigration laws fairly and with respect for a parent's rights and responsibilities. This directive supplements existing ICE enforcement priority memoranda. This Directive establishes ICE policy and procedures to address the placement, monitoring, accommodation, and removal of certain alien parents. The Directive is particularly concerned with the placement, monitoring, accommodation, and removal of alien parents or legal guardians who are: 1) primary caretakers of minor children without regard to the dependent's citizenship; 2) parent and legal guardians who have a direct interest in family court proceeding involving a minor or child welfare proceedings in the United States; and 3) parents or legal guardians whose minor children are U.S. citizens (USCs) or lawful permanent residents (LPRs).

This Directive is intended to complement the immigration enforcement priorities and prosecutorial discretion memoranda, as well as other related detention standards and policies that govern the intake, detention, and removal of alien parents. The security and safety of any ICE employee, detainee, ICE detention staff or member of the public will be paramount in the exercise of the procedures and requirements of this Directive.

- 2. Policy.** ICE personnel should ensure that the agency's immigration enforcement activities do not unnecessarily disrupt the parental rights of both alien parents or legal guardians of minor children. Particular attention should be paid to immigration enforcement activities involving: 1) parents or legal guardians who are primary caretakers; 2) parents or legal guardians who have a direct interest in family court or child welfare proceedings; 3) parents or legal guardians whose minor children are physically present in the United States and are USCs or LPRs. ICE will maintain a comprehensive process for identifying, placing, monitoring, accommodating, and removing alien parents or legal guardians of minor children while safeguarding their parental rights.
- 3. Definitions.** The following definitions apply for the purposes of this Directive only.

- 3.1. **Custody.** The period of time during which a person has been arrested or detained by ICE under its civil immigration enforcement authorities, is physically present in an ICE-owned, -leased, or -contracted detention facility pursuant to such authorities, or is being transported by ICE or an ICE contractor (including for the purposes of removal from the United States) pursuant to such authorities. Custody ends when the person is released from ICE's physical confinement or restraint, including upon transfer to another agency.
- 3.2. **Initial Placement.** The first facility where an alien is detained by ICE.
- 3.3. **Parental Rights.** The fundamental rights of parents to make decisions concerning the care, custody, and control of their minor children without regard to the child's citizenship, as provided for and limited by applicable law. The rights of legal guardians of minor children to make decisions concerning those children as provided for and limited by applicable law.
- 3.4. **Family Court or Child Welfare Proceeding.** A proceeding in which a family or dependency court or child welfare agency adjudicates or enforces the rights of parents or minor children through determination or modification of parenting plans, child custody, visitation, or support, or the distribution of property or other legal obligations in the context of parental rights.
4. **Responsibilities.**
 - 4.1. **Enforcement and Removal Operations (ERO) Field Office Directors (FODs)** and their staff or designees have responsibilities under Sections 5.1 through 5.7.
 - 4.2. The **ERO Executive Associate Director (EAD)** has responsibilities under Section 5.8 and 5.9.
 - 4.3. The **ERO Field Operations Division** has responsibilities under Section 5.7 (Facilitation of Return).
 - 4.4. The **Parental Rights Coordinator** has responsibilities under Sections 5.1, 5.8, and 5.10 (Training).
 - 4.5. The **Field Point of Contact (POC) for Parental Rights** in each ERO Field Office have responsibilities under Sections 5.1, 5.2, and 5.8 (Implementation through Collaboration and Information Sharing).
 - 4.6. **ICE Office of Detention Policy and Planning (ODPP)** has responsibilities under Section 5.10 (Training).
5. **Procedures/Requirements.**

5.1. Field Points of Contact for Parental Rights (“Field POCs”).

- 1) Each ERO FOD shall designate a specially trained coordinator at the supervisory level in his or her Field Office to serve as the Field POC for Parental Rights for his/her area of responsibility (AOR). These Field POCs will regularly communicate with the Parental Rights Coordinator (See 5.8) and report to ERO HQ on the progress of implementing this Directive. The Field POCs will also participate in all relevant training offered by HQ ERO on the subject of this Directive.
- 2) Each Field POC shall receive and address public inquiries related to the parental rights or family ties of detained alien parents or legal guardians of minor children. Careful consideration should be given to cases involving parents or legal guardians who are primary caretakers, those who have a direct interest in family court or child welfare proceedings, and those whose minor children are USC or LPRs. Inquiries may be received from detained or non-detained aliens, their family members, attorneys or representatives, advocacy groups, state and local family courts, and/or child welfare services, among others.
- 3) Information regarding how to contact the Field POCs shall be posted and publicized at detention facilities within each AOR and on the ICE website. Information will be made available in multiple languages to the extent practicable.

5.2. Prosecutorial Discretion and Identification.

- 1) **Prosecutorial Discretion.** FODs shall continue to weigh whether an exercise of prosecutorial discretion may be warranted for a given alien and shall consider all relevant factors in this determination, including whether the alien is a parent or legal guardian of a USC or LPR minor, or is a primary caretaker of a minor. While the FODs may exercise prosecutorial discretion at any stage of an enforcement proceeding, it is generally preferable to exercise such discretion as early in the case or proceeding as possible.
- 2) **Identification.** ICE may receive information that identifies an alien as a parent or legal guardian of a USC or LPR minor, or as a primary caretaker of a minor at any time during the alien’s arrest, processing or detention.

If such information is sufficiently credible to confirm the alien’s status as a parent or legal guardian of a USC or LPR minor, or as a primary caretaker of a minor, FODs should reevaluate any custody determination for the alien to the extent permitted by law and in accordance with existing ICE policy.

Once a detained alien has been determined to be a parent or legal guardian of a USC or LPR minor, or as a primary caretaker of a minor, the FOD or Field POC should also enter this information into (b)(7)(E)

5.3. Initial Placement and Subsequent Transfers.

- 1) If the alien's child, children, or family court or child welfare proceedings are within the AOR of initial apprehension, the FOD shall refrain from making an initial placement or from subsequently transferring the alien outside of the AOR of apprehension, unless deemed necessary by the FOD for the reasons outlined in Section 5.2(3) of ICE Policy 11022.1, Detainee Transfers (January 4, 2012) ("Detainee Transfer Directive"). FODs shall also note any transfers outside the AOR in the updated Detainee Transfer Checklist (attached).
- 2) Further, and subject to detention space availability, the FOD will initially place the detained alien parent as close as practicable to the alien's child(ren) and/or to the location of the alien's family court or child welfare proceedings (if any).

5.4. Nature of the Individual's Participation in Family Court or Child Welfare Proceedings.

- 1) *In-person appearance* -- When a detained alien parent or legal guardian's presence is required to participate in family court or child welfare proceedings in order for him or her to maintain, or regain, custody of his or her child(ren) and:
 - a) The detained alien parent or legal guardian or his or her attorney or other representative requests with reasonable notice an opportunity to participate in such hearings;
 - b) The detained alien parent or legal guardian, or his or her attorney or other representative, has produced evidence of a family court or child welfare proceeding, including but not limited to, a notice of hearing, scheduling letter, court order, or other such documentation;
 - c) The family court or child welfare proceedings are located within a reasonable driving distance of the detention facility where the detained alien parent or legal guardian is housed;
 - d) Transportation and escort of the detained alien parent or legal guardian would not be unduly burdensome on Field Office operations; and
 - e) Such transportation and/or escort of the detained alien parent or legal guardian to participate in family court or child welfare proceedings does not present security and/or public safety concerns,

The FOD shall arrange for the detained alien parent or legal guardian's in-person appearance at family court or child welfare proceedings, if practicable.

- 2) *Participation by video or standard teleconferencing* -- If it is impracticable to transport the detained alien parent or legal guardian to appear in-person in a family

court or child welfare proceeding, due to distance or safety or security concerns, the FOD should work with both the detained alien parent or legal guardian and the family court or child welfare authority to identify alternative means for the detained alien parent or legal guardian to participate in the proceeding. For instance, if it is technologically feasible, and approved by the family court or child welfare authority, the FOD may facilitate a detained alien parent's or legal guardian's appearance or participation through video or standard teleconferencing from the detention facility or the Field Office.

In all cases, if the detained alien parent or legal guardian does not wish to attend and/or participate in a family court or child welfare proceeding, ICE will not interfere with the detained alien parent's or legal guardian's decision, which shall be documented in the detainee's A-File.

5.5. Visitation.

- 1) In some cases, parent-child visitation may be required by the family court or child welfare authority in order for a detained alien parent or legal guardian to maintain or regain custody of his or her minor child(ren). If a detained alien parent or legal guardian, or his or her family member, attorney, or other representative produces documentation (e.g. a reunification plan, scheduling letter, court order, or other such documentation) of such a requirement, FODs shall facilitate, to the extent practicable, the required visitation between the detained alien parent or legal guardian and his or her minor child(ren).¹
 - a) Such special visitation may include contact visitation, within the constraints of safety and security for both facility staff and detainees.
 - b) These special arrangements shall not limit or otherwise adversely affect the detained alien parent or legal guardian's normal visitation rights under the relevant detention standards, or the safe and efficient operation of the detention facility.
- 2) While in-person visitation is preferred and should be made available whenever practicable, if it is technologically feasible and approved by the family court or child welfare authority, FODs may permit parent-child visitation through video or standard teleconferencing from the detention facility or the Field Office.

¹ Pursuant to ICE detention standards, at facilities where there is no provision for visits by minors, upon request, FODs shall arrange for a visit by children, stepchildren, and/or foster children within the first 30 days. After that time, upon request, ICE shall consider a request for transfer, when possible, to a facility that will allow such visitation. Upon request, FODs shall continue monthly visits, if transfer is not approved, or until an approved transfer can be effected. See NDS 2000 (Section H.2.d); PBNDS 2008 (Section H.2.d); PBNDS 2011 (Section I.2.b).

5.6. Coordinating Care or Travel of Minor Children Pending Removal of a Parent or Legal Guardian.

- 1) Where detained alien parents or legal guardians who maintain their parental rights are subject to a final order of removal and ICE is effectuating their removal, FODs or their appropriate designees should accommodate, to the extent practicable, the detained parent or legal guardian's individual efforts to make provisions for their minor children. Such provisions may include the parent or legal guardian's attempt to arrange guardianship for his/her minor children to remain in the United States, or to obtain travel documents for their child(ren) to accompany them to their country of removal.
- 2) FODs will coordinate, to the extent practicable, within their local detention facilities and within the Field Office to afford detained alien parents or legal guardians access to counsel, consulates and consular officials, courts and/or family members in the weeks preceding removal in order to execute signed documents (e.g., powers of attorney, passport applications, appointments of guardians or other permissions), purchase airline tickets, and make other necessary preparations prior to removal.
- 3) In addition, the FOD may, subject to security considerations, provide sufficient notice of the removal itinerary to the detainee or through the detained alien's attorney or other representative, so that coordinated travel arrangements may be made for the alien's minor child(ren).

5.7. Facilitation of Return.

- 1) If a lawfully removed alien (or his or her attorney, family member, consular official or other representative) provides to ICE verifiable evidence indicating that he or she has a hearing or hearings related to his or her termination of parental or legal guardianship rights before a family court or child welfare authority in the United States, and the court or child welfare authority has determined that the removed parent or legal guardian must be physically present, rather than participating via other means, ICE may, on a case-by-case basis, while taking into account security and public safety considerations, facilitate the return of the alien to the United States by grant of parole for the sole purpose of participation in the termination of parental rights proceedings.
- 2) ICE shall consider facilitating the return of a removed parent or legal guardian in compelling humanitarian cases. Aliens who are allowed to return must acknowledge in writing that they may be subject to additional safeguards, including but not limited to, detention, electronic monitoring or routine reporting requirements. Prior to being paroled back into the United States, alien parents or legal guardians must confirm, in writing: (i) that their sole purpose in traveling to the United States is to attend their termination of parental rights hearings; (ii) that the grant of parole can be terminated at any time; (iii) that they are not traveling to the United States in order to pursue immigration benefits or relief or protection from removal, or to otherwise circumvent

orderly visa and immigration processing; (iv) that they will depart the United States without delay following the conclusion of the final parental rights termination hearing for which they traveled to the United States; and (v) that they understand that if they do not depart the United States promptly upon the completion of such hearing, they may be subject to removal from the United States without further hearing as an arriving alien. Additionally, facilitation of return under this Directive will not relieve an alien of any ground of inadmissibility, deportability, or ineligibility for immigration benefits or relief or protection from removal.

- 3) The alien will be responsible for incurring all costs associated with returning to United States to participate in the termination of parental rights hearings; the alien will also incur all costs for departing the United States at the conclusion of the hearing.
- 4) Requests to facilitate return will be considered and accommodated on a case-by-case basis, taking into account security and public safety considerations and other relevant factors, such as whether the family court or relevant child welfare authority will permit the removed alien to participate through alternative means, e.g., through video or standard teleconferencing.

5.8. Implementation through Collaboration and Information Sharing.

- 1) The ERO EAD shall designate a Parental Rights Coordinator.
- 2) The Parental Rights Coordinator shall be responsible for:
 - a) Serving as the primary point of contact and subject matter expert for all FODs and Field POCs, regarding the parental rights of detained aliens.
 - b) With the assistance of relevant ERO divisions responsible for data collection and analysis, evaluating on an ongoing basis information collected from (b)(7)(E) Risk Classification Assessment (RCA) and other relevant ICE information technology systems regarding detained alien parents or legal guardians and sharing with FODs and Field POCs, on an ongoing basis, relevant information about detained alien parents and legal guardians within each AOR.
 - c) Assisting FODs and Field POCs in utilizing information about detained alien parents and legal guardians to help ensure compliance with this directive, including:
 - i. the appropriate exercise of prosecutorial discretion with respect to detained aliens who are determined to be the primary caretaker of a minor child, or who are determined to be the parent or legal guardian of a USC or LPR child;
 - ii. appropriate initial placement decisions and transfer decisions for detained alien parents or legal guardians;

- iii. the appropriate provision of escorted trips to family court or child welfare proceedings for detained alien parents or legal guardians;
 - iv. appropriate visitation within ICE facilities; and
 - v. appropriate efforts, to the extent practicable, to allow a detained alien parent or legal guardian to make provisions for their minor children, including through increased access to counsel, consular officials, family and dependency courts, child welfare authorities personnel, and/or family members or friends in order to arrange guardianship, or to obtain travel documents or otherwise make necessary travel arrangements, for his or her children.
- d) Coordinating as necessary with other relevant ERO program offices, FODs, state or local family court or child welfare authority personnel, consular officials and others to facilitate the timely response to issues or complaints relating to the parental rights of detained aliens received by ICE.
 - e) Working as necessary with relevant ICE program offices and consular officials to facilitate the return to the United States of certain lawfully removed aliens by grant of parole for the sole purpose of participation in the termination of parental rights proceedings.
- 3) To the extent practicable, the FODs and the Field POCs shall utilize information collected from (b)(7)(E) RCA, and other relevant ICE information technology systems regarding detained alien parents and legal guardians to perform the functions described in Section 5.8(2)(c) of this Directive.

5.9. Outreach.

- 1) With support from other relevant ICE program offices and in coordination with U.S. Department of Homeland Security (DHS) entities and the U.S. Department of Health and Human Services' Administration for Children and Families, the ERO EAD or his or her designee shall work with representatives of family and dependency courts and child welfare authorities to develop methods for improving communication and cooperation between the immigration enforcement, family or dependency court, and child welfare systems.
- 2) In cooperation with non-governmental organization stakeholders, the ERO EAD or his or her designee shall ensure the dissemination to all over-72-hour facility law libraries relevant resource guides, including materials prepared by non-governmental organizations and reviewed by ICE, regarding dependency proceedings and the intersection of these proceedings with immigration enforcement and detention.

5.10. Training.

- 1) The Parental Rights Coordinator, in consultation with relevant ICE and DHS program offices – to include other relevant ERO program offices, the ICE Office of Training

and Development, Office of Detention Policy and Planning, and the DHS Office for Civil Rights and Civil Liberties – shall develop training materials to assist FODs, Field POCs, and other relevant Field Office personnel in the implementation of this Directive.

- 2) Training shall cover, at a minimum, the means by which ICE officers and personnel will safeguard the parental rights of aliens they encounter – through identification, placement, monitoring, accommodation, and removal – while fulfilling their obligation to enforce the immigration laws.

6. Recordkeeping. None.

7. Authorities/References.

- 7.1. INA § 212(d)(5), 8 U.S.C. § 1182(d)(5).
- 7.2. 8 Code of Federal Regulations (CFR) §212.5
- 7.3. ICE Policy 10075.1, Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens (June 17, 2011).
- 7.4. ICE Policy 10072.1, Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens (March 2, 2011).
- 7.5. 2011 Performance-Based National Detention Standard, “5.2 Trips for Non-medical Emergencies.”
- 7.6. ICE Policy 11022.1, Detainee Transfers (January 4, 2012).

8. Attachments.

- 8.1. Detainee Transfer Checklist (updated).

9. **No Private Right.** Notwithstanding the provisions of this Directive, ICE retains its discretion to remove or detain any alien to the extent permitted by law, irrespective of an alien’s pending family court or child welfare proceeding. These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or

(b)(7)(C),(b)(6)

U.S. Immigration and Customs Enforcement

NOV 19 2009



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Field Office Directors
Special Agents in Charge
Chief Counsels

FROM: John Morton 
Assistant Secretary

SUBJECT: Superseding Guidance on Reporting and Investigating Claims
to United States Citizenship

This memorandum supersedes the guidance issued on November 6, 2008, entitled "Superseding Guidance on Reporting and Investigating Claims to United States Citizenship." This guidance is intended to ensure claims to U.S. citizenship receive immediate and careful investigation and analysis.

While performing their duties, U.S. Immigration and Customs Enforcement (ICE) officers, agents, and attorneys, may encounter aliens who are not certain of their status or claim to be United States citizens (USC). As the Immigration and Nationality Act (INA) provides numerous avenues for a person to derive or acquire U.S. citizenship, ICE officers, agents, and attorneys, should handle these matters with the utmost care and highest priority. While some cases may be easily resolved, because of the complexity of citizenship and nationality law, many may require additional investigation and substantial legal analysis. As a matter of law, ICE cannot assert its civil immigration enforcement authority to arrest and/or detain a USC. Consequently, investigations into an individual's claim to U.S. citizenship should be prioritized and Office of Investigations (OI) and Detention and Removal Operations (DRO) personnel must consult with the Office of the Principal Legal Advisor's (OPLA) local Office of the Chief Counsel (OCC) as discussed below.

Claims at the Time of Encounter

When officers and agents encounter an individual who they suspect is without lawful status but claims to be a USC, the situation will fall into one of three categories: 1) evidence indicates the person is a USC; 2) some evidence indicates that the individual may be a USC but is inconclusive; and 3) no probative evidence indicates the individual is a USC. If evidence indicates the individual is a USC, ICE should neither arrest nor place the individual in removal proceedings. Where there is *some* probative evidence that the individual is a USC, officers and agents should consult with their local OCC as soon as practicable. After evaluating the claim, if the evidence of U.S. citizenship outweighs evidence to the contrary, the individual should not be taken into custody. The person may, however, still be placed in removal proceedings if there is reason to believe the

Subject: Superseding Guidance on Reporting and Investigating Claims to United States Citizenship

individual is in the United States in violation of law. Finally, where no probative evidence of U.S. citizenship exists and there is reason to believe the individual is in the United States in violation of law, the individual may be arrested and processed for removal. In all cases, any uncertainty about whether the evidence is probative of U.S. citizenship should weigh against detention.

Claims by Individuals Subject to an NTA

Agents and officers must fully investigate the merits of any claim to citizenship made by an individual who is subject to a Notice to Appear (NTA), whether the claim was made before or after the NTA was served on the individual. Such investigations should be prioritized and OI and DRO personnel should consult with their local OCC as soon as practicable when investigating such claims. In addition, OI and DRO, along with their local OCC, must jointly prepare a memorandum examining the claim using the attached template. A notation should be made in the Enforce Alien Removal Module (EARM) and a copy of the memorandum should be placed in the alien's A-file. The memorandum should also be saved in the General Counsel Electronic Management System (GEMS) and notated using the designated GEMS barcode.

Claims by Detained Individuals

If an individual already in custody claims to be a USC, an officer must immediately examine the merits of the claim and notify and consult with his or her local OCC. If the individual is unrepresented, an officer must immediately provide the individual with the local Executive Office for Immigration Review (EOIR) list of pro bono legal service providers, even if one was previously provided.

DRO and OPLA must also jointly prepare and submit a memorandum examining the claim and recommending a course of action to the HQDRO Assistant Director for Operations at the "USC Claims DRO" e-mailbox and to the HQOPLA Director of Field Operations at the "OPLA Field Legal OPS" e-mailbox. Absent extraordinary circumstances, this memorandum should be submitted no more than 24 hours from the time the individual made the claim. HQDRO and HQOPLA will respond to the field with a decision on the recommendation within 24 hours. A notation should be made in EARM and a copy of the memorandum and resulting decision should be placed in the alien's A-file. The memorandum and resulting decision should also be saved in GEMS and notated using the designated GEMS barcode.

If the individual's claim is credible on its face, or if the investigation results in probative evidence that the detained individual is a USC, the individual should be released from detention. Any significant change in circumstances should be reported to the "USC Claims DRO" e-mailbox and the "OPLA Field Legal Ops" e-mailbox.

Examination of the Merits

Interviews with detainees making such claims must be conducted by an officer or agent in the presence of and/or in conjunction with a supervisor. Interviews will be recorded as sworn statements and must include all questions needed to complete all fields on a Record of Deportable

Subject: Superseding Guidance on Reporting and Investigating Claims to United States Citizenship

Alien, Form I-213. In addition, the sworn statement must include additional probative questions designed to elicit information sufficient to allow a thorough investigation of the person's claim of citizenship. Additional steps to be taken may include vital records searches, family interviews, and other appropriate investigative measures. Officers and agents should also work with their local United States Attorney's Office to ensure that any statement includes information sufficient to use in prosecuting appropriate cases under 18 U.S.C. § 911, should it ultimately come to light that the individual intentionally made a false claim to U.S. citizenship.

State and Local Officers with Authority under INA § 287(g)

Field Office Directors (FODs) and Special Agents in Charge (SACs) shall ensure that all state and local officers with delegated immigration authority pursuant to INA § 287(g) within their area of responsibility understand and adhere to this policy. FODs and SACs are expected to thoroughly investigate all USC claims made by individuals encountered by 287(g) designated officers.



**THE LAW OF ARREST, SEARCH, AND SEIZURE
FOR IMMIGRATION OFFICERS**

M-69

January 1993 Edition

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U.S. Department of Justice

Immigration and Naturalization Service

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TABLE OF CONTENTS

INTRODUCTION	1
CHAPTER I	
SOURCES OF AUTHORITY	I - 1
A. THE FOURTH AMENDMENT	1
B. THE IMMIGRATION AND NATIONALITY ACT	2
C. OTHER STATUTORY SOURCES OF AUTHORITY	4
1. Title 18 of the United States Code	4
2. Title 19 of the United States Code: Customs Cross-Designation	4
3. Title 21 of the United States Code: DEA Cross-Designation	4
4. Local Law	4
D. ADMINISTRATIVE REGULATIONS	4
CHAPTER II	
QUESTIONING, INVESTIGATIVE DETENTION, AND ARREST	II - 1
A. QUESTIONING AND DETENTION NOT AMOUNTING TO ARREST	1
1. Questioning at the Border and Functional Equivalent of the Border	1
2. Non-Border Consensual Encounters	2
3. Non-Border Detentive Encounters	2
B. ARREST	3
1. Administrative Arrest (Civil Arrest)	4
a. Authority and Purpose of Administrative Arrest	4
b. Warnings Required Following Administrative Arrest	5
2. Criminal Arrest	5
a. Authority	5
b. Use of Force to Effect an Arrest	7
c. Miranda Warnings Following Criminal Arrest	8
d. Detention of Material Witnesses in Criminal Cases	9

CHAPTER III

SEARCHES AND SEIZURES.....	III - 1
A. USE OF SEARCH WARRANTS.....	1
1. <i>Rule 41 Warrants: Criminal Violations</i>	1
2. <i>Blackie's and Barlow's Warrants: Civil/Administrative Violations</i>	2
a. <i>Blackie's Warrants</i>	2
b. <i>Barlow's Warrants</i>	3
3. <i>Execution of the Search Warrant</i>	4
B. WARRANTLESS SEARCHES AND SEIZURES.....	4
1. <i>Search Incident to Lawful Arrest</i>	4
a. <i>Search of Vehicle Incident to Arrest</i>	5
b. <i>Search of Premises Incident to Arrest</i>	5
2. <i>Consent Searches</i>	5
3. <i>Exigent Circumstances</i>	6
a. <i>Hot Pursuit</i>	6
b. <i>Arrest in a Public Place</i>	7
4. <i>Detention Facility Searches</i>	7
a. <i>Searches of Detainee's Cell</i>	7
b. <i>Mail Searches</i>	7
c. <i>Searches of Detainees</i>	8
5. <i>Border Searches</i>	8
a. <i>Searches at International Borders</i>	8
b. <i>Extended Border Search</i>	9
c. <i>Functional Equivalent</i>	9
d. <i>Entry of Lands Within 25 Miles of Border</i>	10
6. <i>Checkpoints</i>	11
7. <i>Vehicle Stops and Searches</i>	11
8. <i>Inventory Searches of Seized Vehicles</i>	13
9. <i>Container Searches</i>	13
10. <i>Other Exceptions to the Warrant Requirement</i>	14
a. <i>Evidence in Plain View</i>	14
b. <i>Open Fields</i>	14
c. <i>Canine "Sniffs"</i>	15
C. ADMINISTRATIVE SUBPOENAS.....	16

CHAPTER IV

SEIZURE AND FORFEITURE OF CONVEYANCE.....	IV - 1
---	--------

CHAPTER V

INS UNDERCOVER OPERATIONS.....	V - 1
--------------------------------	-------

CHAPTER VI

RELATIONS WITH LOCAL AND STATE ENFORCEMENT AGENCIES.....	VI - 1
--	--------

CHAPTER VII

DETAINERS.....	VII - 1
----------------	---------

CHAPTER VIII

POSSIBLE CONSEQUENCES OF IMPROPER ACTIONS BY IMMIGRATION OFFICERS.....	VIII - 1
---	----------

A. EXCLUSION OF EVIDENCE.....	1
1. <i>Criminal Prosecutions</i>	1
2. <i>Administrative (Civil) Proceedings</i>	1
3. <i>Effect on Validity of Proceedings</i>	1
B. CIVIL LIABILITY.....	2
1. <i>Personal Liability of Federal Agents</i>	2
2. <i>Liability of the United States for Money Damages</i>	3
C. CRIMINAL LIABILITY.....	3
D. DISCIPLINARY ACTIONS.....	3

CHAPTER IX

REPRESENTATION OF INS EMPLOYEES SUED IN THEIR INDIVIDUAL CAPACITIES.....	IX - 1
---	--------

A. DEPARTMENT POLICY.....	1
B. PROCEDURE FOR REQUESTING REPRESENTATION.....	1
C. ATTORNEY-CLIENT PRIVILEGE.....	2
D. INDEMNIFICATION POLICY.....	2

E.	PROCEDURE FOR REQUESTING INDEMNIFICATION	3
NOTES		N - 1

INTRODUCTION

The Immigration and Naturalization Service (INS or the Service) is charged with the administration and enforcement of the Immigration and Nationality Act (the Act) and other laws relating to the immigration and naturalization of aliens. The methods that the INS uses to enforce the immigration laws enacted by Congress must conform to constitutional and statutory limitations as well as INS regulations. This is an update of the M-69, last updated in January 1983. It outlines the statutory and constitutional boundaries of an INS officer's authority. The enforcement activities of the INS involve both border operations (conducted along the border and its functional equivalents and at ports of entry) and operations conducted in the interior of the United States.

Questions regarding search and seizure requirements should be referred to supervisors or legal counsel. Counsel should be consulted before conducting any enforcement activities that might result in litigation, media attention, or public controversy. Early consultation will ensure the best possible legal support for the enforcement operation and permit timely legal advice to avoid potential problems.

The M-69 is intended for the daily use of INS officers. It is not a law textbook. It does not cover all aspects of the law of arrest, search, and seizure, but is limited to recurring circumstances where the authority of INS officers may be challenged.

Citations of authority are located at the end of the text. The authorities cited may be obtained from the district or regional counsel.

CHAPTER I

SOURCES OF AUTHORITY

The primary sources of authority granted to officers of the INS are the Act, found in Title 8 of the United States Code, abbreviated as, "8 U.S.C.", and other statutes relating to the immigration and naturalization of aliens. The secondary sources of authority are: (1) administrative regulations implementing those statutes (primarily those found in Title 8 of the Code of Federal Regulations, abbreviated as "8 C.F.R."); (2) judicial decisions; and (3) administrative decisions of the Board of Immigration Appeals.¹

The Constitution of the United States protects the rights of the people of the United States. All authority exercised by INS officers must conform to constitutional limitations, such as the fourth amendment. For example, while section 287(a)(3) of the Act appears to authorize officers to make warrantless vehicle stops in border areas, the Supreme Court in *United States v. Brignoni-Ponce*² concluded that the fourth amendment precluded stopping a vehicle to question the occupants concerning their immigration status on less than a reasonable suspicion that the vehicle may contain aliens illegally in the United States, except at the border or its functional equivalents. See Chapter III(B)(5), *infra*.

A. THE FOURTH AMENDMENT

The fourth amendment provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The amendment consists of two clauses. One clause prohibits unreasonable searches and seizures. The other requires that warrants be issued only upon a showing of probable cause and upon meeting certain other conditions regarding the place to be searched and the persons or things to be seized.

B. THE IMMIGRATION AND NATIONALITY ACT

Subject to constitutional limitations, INS officers may exercise the authority granted to them in the Act. The following statutory provisions relate to enforcement authority:

(1) *Section 287(a)(1)* [8 U.S.C. § 1357(a)(1)] -- provides authority, without a warrant, to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States.

(2) *Section 287(a)(2)* [8 U.S.C. § 1357(a)(2)] -- provides authority to make an arrest of an alien who in the officer's presence or view is entering or attempting to enter the United States in violation of the immigration laws, or who the officer has reason to believe (judicially construed to be the equivalent of probable cause under the fourth amendment) is in the United States in violation of the immigration laws and is likely to escape before an arrest warrant can be obtained.

(3) *Section 287(a)(3)* [8 U.S.C. § 1357(a)(3)] -- provides authority within a reasonable distance of any external boundary of the United States to board without a warrant any vessel within the territorial waters of the United States and any railway car, aircraft, or vehicle and search for aliens; and authority to enter private lands (but not dwellings) within 25 miles of the border for purposes of patrolling the border to prevent illegal entry of aliens.

(4) *Section 287(a)(4)* [8 U.S.C. § 1357(a)(4)] -- provides authority to arrest without a warrant for felonies which have been committed and which are cognizable under the federal criminal laws regulating the admission, exclusion and/or expulsion of aliens where the officer has reason to believe (probable cause) that the person arrested is guilty of such felony and is likely to escape before a warrant may be obtained, provided that the person arrested is taken without unnecessary delay before a magistrate for arraignment.

(5) *Section 287(a)(5)* [8 U.S.C. § 1357(a)(5)] -- provides authority to make general arrests without a warrant for crimes cognizable under federal law, to carry firearms, and to execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States. Section 287(a)(5)(A) provides that an INS officer may arrest for offenses against the United States committed in his or her presence. A person arrested must be taken without unnecessary delay before a magistrate for arraignment. Section 287(a)(5)(B) provides that an INS officer may arrest for any felony cognizable under the laws of the United States if the officer has reason to believe (probable cause) that the person to be arrested has committed or is committing such a felony.

To exercise authority under section 287(a)(5)(A) or (B), the officer must be performing duties relating to the enforcement of the immigration laws at the time of the arrest and there must be a likelihood the person will escape before an arrest warrant can be obtained. The officer also

must be certified as having completed a designated training program prior to making arrests under section 287(a)(5)(B). The authority contained in section 287(a)(5)(B) cannot be exercised until the Attorney General promulgates final implementing regulations. A Notice of Proposed Rulemaking for such regulations was published in the Federal Register on October 14, 1992.³

(6) *Section 287(b)* [8 U.S.C. § 1357(b)] -- provides authority to administer oaths and consider evidence concerning the privilege of any person to enter, re-enter, pass through, or reside in the United States, or any other matter which is material and relevant to the enforcement of the Act.

(7) *Section 287(c)* [8 U.S.C. § 1357(c)] -- provides authority to search without a warrant persons and personal effects of applicants for admission for evidence which may lead to the individual's exclusion from the United States on grounds set forth in the Act.

(8) *Section 287(e)* [8 U.S.C. § 1357(e)] -- requires an immigration officer to obtain a warrant or the consent of the owner (or his agent) to enter the premises of a farm or other outdoor agricultural operation for the purpose of interrogating a person believed to be an alien as to the person's right to be or to remain in the United States.

(9) *Section 235(a)* [8 U.S.C. § 1225] -- provides authority at the border to board and search any vessel, aircraft, railway car, or other conveyance in which an immigration officer believes aliens are being brought into the United States. This section also empowers officers to administer oaths and take and consider evidence regarding any suspected alien's right to enter, re-enter, pass through or reside in the U.S. or any other matter which is relevant and material to the enforcement of the Act.

(10) *Section 274(b)* [8 U.S.C. § 1324(b)] -- provides authority to seize vehicles, vessels, or aircraft where there is probable cause to believe that the conveyance has been used in violation of section 274(a) (Alien smuggling, transporting, harboring, etc.).

(11) *Section 274(c)* [8 U.S.C. § 1324(c)] -- provides authority to arrest individuals for violations of section 274(a).

(12) *Section 274A* [8 U.S.C. § 1324a] -- provides authority to investigate and assess a civil money penalty to any person or entity for the unauthorized employment of aliens and failure to comply with the employment verification requirements in violation of the Act.

(13) *Section 274C* [8 U.S.C. § 1324c] -- provides authority to investigate and assess a civil money penalty to any person or entity involved in civil document fraud related to any requirements under the Act.

C. OTHER STATUTORY SOURCES OF AUTHORITY

1. *Title 18 of the United States Code*

There are several provisions under Title 18 that specifically relate to enforcement of the immigration and nationality laws. These provisions are listed in *The INS Investigator's Handbook*, Appendix 5-5A (1985) or *INS Border Patrol Handbook*, Appendix 19-A (1985).⁴

2. *Title 19 of the United States Code; Customs Cross-Designation*

INS officers who have been specifically cross-designated under 19 U.S.C. § 1401(i) may make such customs arrests, searches, and seizures as delineated by Customs Form 55 and the Customs/Border Patrol Memorandum of Understanding, dated July 21, 1986.

3. *Title 21 of the United States Code; DEA Cross-Designation*

INS officers who have been specifically cross-designated under 21 U.S.C. § 878 may make such limited arrests, searches, and seizures as delineated by the Drug Enforcement Administration's (DEA) delegation of authority to the named agent and the DEA/INS Memoranda of Understanding of November 29, 1973, and August 1986.

4. *Local Law*

Some states accord "peace officer" status to INS officers stationed in that state. The nature and extent of such "peace officer" authority depends entirely upon applicable state law. INS personnel should contact legal counsel for information regarding the extent of any authority granted by state law.

D. ADMINISTRATIVE REGULATIONS

Title 8 of the Code of Federal Regulations, in particular Part 287, further delineates the enforcement authorities of INS officers. Section 287.3 of the regulations governs the disposition of cases of aliens arrested without a warrant. Section 287.4 governs procedures for executing, serving, and enforcing subpoenas. Section 287.5 gives any immigration officer the power and authority to administer oaths in or outside the United States. Section 287.7 provides that immigration detainers may be issued by an immigration officer as defined in section 101(a)(18) of the Act, 8 U.S.C. § 1101(a)(18), and only in the case of an alien who is amenable to exclusion or deportation proceedings under any provision of law. In response to Congressional mandate in section 287(a)(5) of the Act, 8 U.S.C. § 1357(a)(5), Part 287 will be subject to substantial revision in conjunction with the assumption of general arrest authority by immigration officers. As noted above, a proposed rule to this effect was published on October 14, 1992.

CHAPTER II

QUESTIONING, INVESTIGATIVE DETENTION, AND ARREST

At the border or a port of entry, section 235(b) of the Act authorizes the stopping and questioning of all persons seeking admission to the United States regarding their right to legally enter, and authorizes detaining any alien for further examination by an immigration judge unless the alien appears to the officer to be "clearly and beyond a doubt" entitled to enter. In the interior, section 287(a)(1) of the Act authorizes immigration officers to interrogate persons reasonably believed to be aliens as to their right to be in or remain in the United States. Generally, this authority extends to the limits permitted under the fourth amendment.⁵ The limits of the fourth amendment depend upon the degree of intrusion on privacy and the nature of the encounter between an officer and individual.

The three principal levels of encounters between immigration officers and the public at locations other than the border are: (1) consensual encounters, where the person is free to leave at any time or may refuse to answer any questions; (2) investigative stops, which must be supported by the officer's reasonable suspicion, and which only permit a brief detention of the suspect; and (3) arrest, which must be supported by probable cause to believe the suspect has violated any law that the officer is authorized to enforce.

In encounters between the immigration officer and individuals represented by counsel, the officer should be thoroughly familiar with INS policy. The guidelines ensure recognition of the constitutionally protected area of attorney-client privilege. These guidelines are contained in Appendix B. Questions concerning the applicability of the guidelines should be referred to supervisors or legal counsel.

A. QUESTIONING AND DETENTION NOT AMOUNTING TO ARREST

1. *Questioning at the Border and Functional Equivalent of the Border*

Travelers may be stopped at the international border and required to identify themselves as entitled to enter the United States and to show that their belongings and effects may lawfully be brought into the country.⁶ Section 235(a) of the Act authorizes an immigration officer to examine all persons arriving at ports of the United States and to question under oath any person suspected of being an alien concerning the right to enter, re-enter, pass through, or reside in the United States, or any other matter related to enforcement of the Act and concerning his or her purpose in coming to the United States. Such questioning and examination is not limited to ports of entry, but may be performed anywhere along the international border and at a functional equivalent of the border.

2. *Non-Border Consensual Encounters*

Not all personal interaction between government officers and private individuals is a seizure of the person.⁷ As long as officers do not by means of physical force or show of authority restrain the freedom of an individual to walk away, no seizure has occurred and fourth amendment limitations do not apply.⁸

INS officers should address questions to individuals in a way that promotes cooperation. To this end, they should identify themselves as INS officers and perform their duties in a professional manner.

3. *Non-Border Detentive Encounters*

An encounter may constitute a seizure from the outset. An initially consensual encounter between an INS officer and an individual may escalate into a fourth amendment seizure. A seizure occurs when, in view of all circumstances surrounding the incident, a reasonable person would believe that he or she was not free to leave the presence of the officer.⁹ The "reasonable person" test presumes an innocent person.¹⁰

Officers may briefly detain a person for questioning when the officer has a reasonable suspicion based on specific articulable facts that the person stopped is, was, or is about to be, engaged in a violation of a law the officer has the authority to enforce.¹¹ An officer has not seized a person merely by inquiring about identity, requesting some identification, or requesting consent to search luggage or other areas.

An INS officer may briefly detain a person if there is reasonable suspicion to believe that the person is or has violated any criminal statute which the officer is authorized to enforce.¹² INS officers also may briefly detain a person if they have reasonable suspicion that the person may be an alien who is illegally in the United States.¹³

In connection with a brief detention under these circumstances, officers may conduct a "frisk" or pat down search of the outer clothing of the individual for weapons to protect their safety and the safety of others if the officer reasonably believes the individual to be armed.¹⁴ The officer may reach inside the outer clothing to remove any item he or she believes to be a weapon.¹⁵ The officer may not, however, remove an item from the suspect's clothing that the officer does not reasonably believe is a weapon.

To determine whether an officer's articulated suspicions are "founded" or "reasonable," the courts will examine the totality of the circumstances, including: (1) objective observations, (2) information in police reports, (3) modes or patterns of operation of certain types of lawbreakers, (4) informant's tips, and/or (5) all other pertinent information.¹⁶ Such evidence must be weighed in light of the particular officer's training and experience, and viewed with

common-sense deductions about human behavior. The whole picture must yield a reasonable suspicion that the particular individual stopped is engaged in criminal activity.¹⁷

While an encounter between an officer and a pedestrian does not necessarily constitute a fourth amendment seizure, a vehicle stop is always a "seizure" and, therefore, must be justified by reasonable suspicion that illegal aliens may be being transported within the vehicle.¹⁸ However, once a vehicle is lawfully stopped based upon reasonable suspicion, officers may order the occupants to exit the vehicle for questioning if reasonably necessary to secure the officer's safety.¹⁹ See Chapter III for further analysis of investigatory stops and searches of vehicles.

B. ARREST

An arrest occurs when a reasonable person in the suspect's position would conclude that he or she is under arrest.²⁰ An arrest does not depend solely upon whether the officer announces that the suspect has been placed under arrest. If an officer's conduct is more intrusive than an investigative stop, an arrest may take place.²¹ In determining whether the officer's conduct is tantamount to an arrest, consideration must be given of facts and circumstances, such as: (1) when and where the encounter occurred; (2) the duration of the encounter; (3) the number of officers present; (4) what the officers and suspect said and did; (5) the use of weapons, handcuffs, a guard blocking the door, or other physical restraint; (6) the nature of the questioning; (7) whether officers escorted the suspect to another location for questioning; (8) whether the officer retained custody of important travel or identification documents during the encounter; and (9) whether the suspect was permitted to leave following the encounter.²²

An arrest must be supported by probable cause to believe the person has committed an offense against the United States. Otherwise, the arrest will not withstand a fourth amendment challenge. Probable cause is knowledge or trustworthy information of facts and circumstances which would lead a reasonably prudent person to believe that an offense has been committed or is being committed by the person to be arrested. Probable cause is more than mere suspicion or the observation of behavior that is merely suspicious, but there does not have to be absolute certainty of guilt. In determining whether probable cause was present at the time of an arrest, courts consider the totality of the circumstances as viewed by a reasonable prudent officer coupled with the officer's training and experience. Pertinent factors include: personal knowledge or observation by the officer; information contained in official communication to the officer; information from reliable informants, victims or witnesses; actions and appearance of the suspect(s); criminal reputation of the suspects; inconsistent and unpersuasive answers to routine questions; and possession, disposal, or concealment of evidence.

An INS officer is authorized to make arrests for both administrative (civil) and criminal violations of the Act. The procedures for administrative and criminal arrests differ substantially and will be addressed separately.

1. *Administrative Arrest (Civil Arrest)*

a. *Authority and Purpose of Administrative Arrest*

The law strongly favors the use of an arrest warrant, even for a non-criminal arrest. Therefore, warrants are required unless a specific exception to the warrant requirement exists. The Act and regulations promulgated pursuant to the Act address the warrant requirement in administrative arrest situations, i.e., where the only legal action to be taken relates to the exclusion or deportation of an alien.

Section 287(a)(5) of the Act authorizes immigration officers to execute and serve any warrant, subpoena, summons, order, or other process issued under the authority of the United States. Section 242(a) of the Act provides the authority to arrest an alien upon warrant of the Attorney General pending a determination of his or her deportability. When an order of deportation becomes final, the alien may be detained or released on bond pursuant to section 242(c) of the Act. INS may detain an alien under section 235 of the Act at any time to exclude and deport him or her after he or she has been finally ordered excluded pursuant to section 236 of the Act.

Section 287(a)(2) of the Act empowers an INS officer to arrest without warrant any alien "who in his presence or view is entering or attempting to enter the United States" in violation of any immigration law or regulation, or any alien in the United States "if he has reason to believe" that the particular alien is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest. The words "reason to believe" in this statute have been interpreted to mean "probable cause."²³

Likelihood of escape before a warrant can be obtained may be shown by evidence of previous escapes or evasions of immigration authorities,²⁴ as well as lack of ties to the community such as family, home, or a job. Attempted flight from an INS officer or nervous behavior suggesting that the suspect is looking for an opportunity to abscond may justify an arrest without a warrant.²⁵ The mobility of the suspect may justify a belief that the suspect is likely to escape before a warrant can be obtained.²⁶

The regulations provide that an alien arrested without a warrant under section 287(a)(2) of the Act shall be taken without unnecessary delay before an INS officer other than the arresting INS officer and examined concerning his or her right to enter or remain in the United States. If no other qualified INS officer is readily available and it would entail unnecessary delay to take the alien before another INS officer, the arresting INS officer may examine the alien if the

conduct of such an examination is part of the duties assigned to that arresting INS officer. The purpose of this procedure is for the examining officer to decide if there is sufficient evidence to determine whether the individual is an alien who is excludable or deportable.²⁷

b. *Warnings Required Following Administrative Arrest*

Once the examining officer determines that formal exclusion or deportation proceedings will be instituted, certain advisals must be given to the alien. The alien must be informed of the reason for the arrest, of the right to be represented by counsel of his or her choice at no expense to the Government, and of the availability of free legal services programs and of organizations recognized pursuant to 8 C.F.R. § 292.2 located in the district where the proceedings are to be held. The alien must be given a list of such programs and organizations. The alien also must be advised that any statement made may be used against him or her in a subsequent proceeding.²⁸ If arrested without a warrant, the alien must be advised that a decision will be made within 24 hours whether custody will be continued or whether release on bond or on personal recognizance will be available.²⁹ The I-221 (Order to Show Cause) provides the required warnings to aliens placed in deportation proceedings or granted administrative voluntary departure. *Miranda* warnings need not be given where the only contemplated legal action against the alien is exclusion, deportation, or voluntary departure. Where the alien is in custody and the focus of the interrogation shifts to contemplated criminal prosecution, *Miranda* warnings should be given. If *Miranda* warnings are not provided evidence derived is inadmissible, unless it is otherwise discoverable. See Chapter II(B)(2)(c), *infra*.

Pursuant to a stipulated settlement agreement with the agency that is effective through early 1995, aliens arrested under section 287(a)(2) of the Act will be provided with a "Notice of Rights" (Form I-826). Upon request, such aliens will also be given two hours to contact counsel before questioning can proceed. Those aliens whom the INS has determined will be offered the option of voluntary return in lieu of deportation proceedings, and who accept this offer, will be provided a "Request for Disposition" (Forms I-827A and I-827-B).

2. *Criminal Arrest*

a. *Authority*

Whenever feasible, INS officers should obtain a warrant prior to making an arrest.

Section 287(a)(4) of the Act permits officers authorized by the Attorney General through regulation to arrest without a warrant any person for felonies cognizable under the immigration laws if the officer has reason to believe (probable cause) that the particular person is guilty of such felony and is likely to escape before a warrant can be obtained. Felonies cognizable under the immigration laws include but are not limited to:

(1) bringing or attempting to bring a person to the United States at a place other than a designated port or place of entry [section 274(a)(1)(A) of the Act, 8 U.S.C. § 1324(a)(1)(A)];

(2) bringing to, transporting within, or harboring of an alien who is not entitled to enter, reside, or remain in the United States knowingly or in reckless disregard of the fact that the alien has come to, entered, or remains in the United States in violation of law [section 274(a)(1)(B)&(C) of the Act, 8 U.S.C. §§ 1324(a)(1)(B)&(C)];

(3) encouraging or inducing an alien to come to, enter, or reside in the United States, knowingly or in reckless disregard of the fact that such coming to, entry, or residence is, or will be, in violation of law [section 274(a)(1)(D) of the Act, 8 U.S.C. § 1324(a)(1)(D)];

(4) illegal entry by an alien for the second or subsequent time [section 275(a) of the Act, 8 U.S.C. § 1325(a)];

(5) marriage fraud [section 275(b) of the Act, 8 U.S.C. § 1325(b)];

(6) reentry of an arrested and deported or excluded alien without the advance permission of the Attorney General to reapply for admission, unless the alien demonstrates he or she was not required to obtain advance permission [section 276 of the Act, 8 U.S.C. § 1326];

(7) aiding or conspiring to aid a criminal or subversive alien to enter the United States [section 277 of the Act, 8 U.S.C. § 1327]; and

(8) importing or harboring aliens for any immoral purpose, such as prostitution [section 278 of the Act, 8 U.S.C. § 1328].

Section 287(a)(5) of the Act has expanded the arrest authority of those INS officers designated by the Attorney General through regulation to have such authority. Pursuant to section 287(a)(5)(A) of the Act an INS officer may arrest for offenses against the United States committed in his or her presence. Under section 287(a)(5)(B) of the Act, an INS officer may arrest for any felony under the laws of the United States, if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony. To exercise authority under section 287(a)(5)(A) or (B) of the Act, an officer must be performing duties relating to the enforcement of the immigration laws at the time of the arrest and there must be a likelihood that the suspect will escape before a warrant can be obtained. An officer exercising authority pursuant to section 287(a)(5)(B) of the Act must be certified as having completed a designated training program. Exercise of authority under section 287(a)(5)(B) is dependent upon final promulgation of the Attorney General's implementing regulations.

Other felonies that fall within the jurisdiction of the INS include those described in sections 242(e) [8 U.S.C. § 1252(e)] and 266(d) [8 U.S.C. § 1306(d)] of the Act as well as certain felonies in Title 18 of the United States Code relating to false impersonation, nationality and citizenship, and passports and visas. General criminal offenses are found in Title 18 of the United States Code. However, other criminal offenses can be found in other titles. Other criminal offenses which immigration officers are likely to encounter may be found in Titles 19 and 21 of the United States Code, which relate to customs and narcotics violations. For a more complete and descriptive listing, consult *The I&NS Investigator's Handbook*, Appendix 5-5A and 5-5B (1985) or *INS Border Patrol Handbook*, Appendix 19-A (1985).

Rule 41 of the Federal Rules of Criminal Procedure sets forth the procedure for an arrest made pursuant to a criminal warrant. A person arrested without a warrant must be taken without unnecessary delay before a United States Magistrate. The judicial determination of probable cause should be held within 48 hours of the arrest, absent an emergency or extraordinary circumstances.³⁰ For purposes of computation, the time includes weekends and holidays.

b. *Use of Force to Effect an Arrest*

An INS officer may use the amount of force reasonably necessary to effectuate an arrest or detention that he or she is lawfully authorized to effectuate. The officer is immune from liability provided the force was not excessive.³¹ In an excessive force case, the inquiry is an objective one under the fourth amendment: "Whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation."³² INS policy permits the use of non-deadly physical force only in self-defense, in defense of a fellow officer or third party, or when it is necessary to make an arrest or prevent an escape.³³

Deadly force should only be used in self-defense, in defense of another officer, or in the defense of a third party when death or grievous bodily harm is threatened.³⁴ Strict adherence to INS policy is required concerning any use of firearms. INS firearms policy provides that warning shots must not be fired.³⁵

Section 287(a)(5) of the Act provides that under regulations prescribed by the Attorney General, an officer or employee of the Service may carry firearms. The general arrest authority of this section becomes effective only when the Attorney General publishes final regulations which state the categories of officers of the Service who may use force, including deadly force, and the circumstances under which such force may be used.³⁶ The designation of officers and employees who may carry a firearm and standards for use of firearms are currently set forth in the INS firearms policy.

c. *Miranda Warnings Following Criminal Arrest*

In *Miranda v. Arizona*³⁷ the Supreme Court held that prior to custodial interrogation for a criminal offense, an officer must provide the suspect certain warnings, or evidence procured as a result of that custodial interrogation will not be admissible in a later criminal case against the defendant. Specifically, a suspect must be advised that anything he or she says may be used against him or her and that he or she has the right to remain silent, to consult with a lawyer and to have a lawyer present during questioning, and, if indigent, to have counsel appointed. The purpose of these warnings, commonly termed *Miranda* warnings, is to protect the fifth amendment right against compulsory self-incrimination.

Miranda warnings are only required prior to interrogating an individual who is in custody.³⁸ Whether a person is in custody for *Miranda* purposes depends on whether there is "a formal arrest or restraint on freedom of movement associated with a formal arrest." The key inquiry is whether a reasonable person in the suspect's position would believe he or she is under arrest.³⁹ The fact that the person is a suspect or that the officer knows the person will not be allowed to depart, does not place the person "in custody" for purposes of *Miranda*.⁴⁰

Miranda warnings are applicable to the enforcement of the criminal laws. Therefore, while *Miranda* warnings do not apply in routine immigration inquiries, such warnings must be given when any person in custody is questioned regarding information which might be used against that person in a criminal prosecution.⁴¹ Similarly, a person in a local jail while under arrest on state charges must be given *Miranda* warnings where the INS officer asks questions that are "reasonably likely to elicit an incriminating response from the suspect."⁴² If the officer has no prior reason to suspect that the questioning is likely to elicit an incriminating response for purposes of criminal prosecution or has no intention of prosecuting the suspect based upon the information obtained, *Miranda* warnings are not necessary.

Miranda warnings are not applicable to evidence that is non-testimonial. Non-testimonial evidence could be the giving of blood samples, appearances in a line-up, repeating a given phrase, or providing handwriting exemplars.⁴³ *Miranda* warnings need not be given prior to searching for or seizing physical evidence.

Whenever *Miranda* warnings are given, they should be read verbatim from the *Miranda* card that is provided to each INS officer. This allows the INS officer to testify in court to the exact language used at the time warnings were given. It is also permissible to have the suspect read the warnings. It is the duty of the officer to ensure that the suspect understands the warnings. In cases where the suspect does not understand English, the warnings must be given in a language understood by the suspect. If the officer is not able to do this orally, the assistance of a qualified interpreter may be necessary. If the suspect is allowed to read the warnings, whether in English or another language that he or she understands, the officer must be sure that the suspect has the ability to read the text of the warnings.

Once an individual has requested an attorney, the interrogation must cease immediately and the suspect may not be interrogated about the case until after conferring with counsel or the suspect otherwise initiates further conversation.⁴⁴ In contrast, if the individual merely invokes his right to remain silent and does not request an attorney, the admissibility of statements obtained thereafter depends on whether the individual's right to cut off questioning was "scrupulously honored."⁴⁵ Generally, the "scrupulously honored" test requires officers to (1) immediately cease the interrogation, (2) resume questioning only after a significant passage of time and fresh set of *Miranda* warnings, and (3) either change the inquiry to another crime or wait for the suspect to initiate a conversation concerning the initial crime under investigation.

Whenever INS officers are unsure whether warnings should be provided they should check with their supervisors or legal counsel.

d. *Detention of Material Witnesses in Criminal Cases*

Pursuant to 18 U.S.C. § 3144, a judge may order the arrest of a witness in a criminal proceeding if a party files an affidavit indicating that the witness's testimony is material and showing that it may be impracticable to secure the witness's presence by subpoena. Aliens and United States citizens who witness a criminal act may under appropriate circumstances be taken into custody by the INS and brought before a magistrate as soon as possible for designation as a material witness. Once the magistrate orders the material witnesses to remain in custody, such witnesses are in the custody of the U.S. Marshall. The INS may not continue to maintain custody of United States citizens who are designated material witnesses. The INS may under certain circumstances, and with the agreement of the U.S. Marshalls' Service, maintain custody of aliens designated as material witnesses while they are awaiting exclusion or deportation hearings.

Under the Bail Reform Act of 1984,⁴⁶ a material witness is entitled to substantially the same treatment regarding conditions of release as a criminal defendant.⁴⁷ The material witness must be released on personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer unless the judicial officer determines that such a release on one's own recognizance or bond will not reasonably assure the required appearance of the material witness.⁴⁸ If the latter determination is made, the judicial officer shall impose conditions for release as specified by statute.⁴⁹ No material witness may be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition and further detention is not necessary to prevent a failure of justice.⁵⁰ The government may seek review of an order of release and a person detained may file a motion for revocation or amendment of the order of detention. Such motions are to be decided promptly.⁵¹

The Supreme Court has held that prompt deportation of illegal alien witnesses is justified if the United States Attorney makes a good-faith determination that they possess no

evidence favorable to the defendant in a criminal prosecution. However, sanctions may be imposed on the Government for deporting witnesses if the criminal defendant makes a plausible showing that the testimony of the deported witnesses would have been material and favorable to the defense in ways not merely cumulative to the testimony of available witnesses.⁵² This decision has the effect of limiting the Government, in most cases, to charge smugglers and transporters with bringing to or transporting a limited number of aliens and to hold as material witnesses only those aliens with whose transportation the defendant is charged.

Although not providing authority to detain, section 215 of the Act, 8 U.S.C. § 1185, permits the Service to prevent departure of aliens under certain circumstances. A departure control order may be entered by the Service if it is determined that the departure of an alien is deemed prejudicial to interests of the United States. The regulations at 8 C.F.R. § 215.3 set forth the categories of aliens whose departure is deemed prejudicial to the interests of the United States.

CHAPTER III

SEARCHES AND SEIZURES

The fourth amendment rule against unreasonable searches and seizures “protects people, not places.”⁵³ It protects a person’s reasonable expectation of privacy against government intrusion. The test of a legitimate expectation of privacy is: (1) whether the individual has a subjective expectation of privacy; and (2) whether that expectation is one which society is prepared to recognize as “reasonable.”⁵⁴

A. USE OF SEARCH WARRANTS

The law favors the use of warrants to search or seize persons or property. Evidence, if seized without a warrant, may be inadmissible if a warrant could have been obtained prior to the seizure.⁵⁵ The fourth amendment generally requires a warrant in order for a search to be deemed “reasonable.” Therefore, absent some exception to the warrant requirement, warrantless searches and seizures are “unreasonable.” Moreover, warrants may only be issued in certain prescribed ways.

Warrant requirements vary depending on whether the suspected violation is civil or criminal. The warrant requirements for criminal violations are governed by Rule 41, of the Federal Rules of Criminal Procedure. The warrant requirements for civil or administrative violations are based upon the Act and judicial interpretations.

1. *Rule 41 Warrants: Criminal Violations*

The fourth amendment precludes issuance of a warrant except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Rule 41(c) of the Federal Rules of Criminal Procedure states that a warrant may issue upon an affidavit sworn to before a federal magistrate, if the magistrate is satisfied that the affidavit reflects probable cause. The affidavit generally must be in writing. In an emergency, a magistrate may issue a warrant based upon sworn oral testimony communicated by telephone.

When seeking a telephonic warrant, the officer, in conjunction with the appropriate Special Assistant United States Attorney or Assistant United States Attorney, should be prepared to show that: (1) he or she could not reach the magistrate in his or her office during regular business hours; (2) the officer who seeks to make the search is a significant distance away from the magistrate; (3) because of the particular factual situation it would be unreasonable for a substitute officer who is near the magistrate to prepare a written affidavit to

the magistrate in lieu of the telephonic application; and (4) the need for a search is such that absent the telephonic procedure a warrant could not be obtained and there is a significant risk that evidence would be destroyed.⁵⁶

Probable cause exists where "the facts and circumstances within their [the officers'] knowledge, and of which they [have] reasonably trustworthy information . . . [are] sufficient in themselves to warrant a man of reasonable caution in the belief that . . . a crime has been or is being committed, and that property subject to seizure can be found at the place or on the person to be searched."⁵⁷ Rule 41 also permits issuance of a warrant to search for and seize "any person for whose arrest there is probable cause, or who is unlawfully restrained."

An affidavit that alleges facts based upon the personal observation of a law enforcement officer is generally sufficient to establish probable cause and will support the issuance of a warrant. However, personal knowledge is not essential and an affidavit may be based upon hearsay information provided to the officer by a confidential informant.⁵⁸

If the affidavit is based upon hearsay, the affiant must identify the underlying circumstances, including the "veracity" and "basis of knowledge" of persons supplying the hearsay information so as to permit a magistrate to make a practical, common sense decision regarding the presence of probable cause.⁵⁹ Where the hearsay derives from information provided by an informant, the affidavit must contain evidence bearing on the veracity of the informant.⁶⁰ An informant's veracity or trustworthiness may be established in several ways. If the informant has previously provided accurate information, the information provided is an admission against penal interest, or there is no motive to falsify and there is independent police corroboration of the details, the information may be considered reliable and trustworthy.⁶¹

2. Blackie's and Barlow's Warrants: Civil/Administrative Violations

In those enforcement operations where no criminal prosecution is contemplated, it is INS policy to use civil entry warrants. An administrative warrant may not be used as a pretext to gather evidence for a criminal prosecution.⁶² The use of civil warrants was sanctioned in *Blackie's House of Beef, Inc. v. Castillo*,⁶³ *International Molders v. Nelson*,⁶⁴ and *Marshall v. Barlow's, Inc.*⁶⁵

a. Blackie's Warrants

In *Blackie's*, officers obtained a warrant to enter a commercial establishment in order to search for persons believed to be aliens in the United States without legal authority.⁶⁶ The warrant did not mention Rule 41; rather, the authority to search was premised upon sections 103(a) of the Act [8 U.S.C. § 1103(a)] and 287 of the Act [8 U.S.C. § 1357]. Further, the warrant

did not contain any "particularized description" of the individual aliens sought. In upholding the entry warrant as reasonable within the fourth amendment, the court held that the warrant need not specifically name the aliens so long as the warrant and accompanying affidavits narrowed down the field of potentially vulnerable persons to those whom officers had probable cause to believe were illegal aliens.

For a magistrate to issue a *Blackie's* type warrant, the affidavit must demonstrate probable cause that illegal aliens will be found on the premises to be entered. However, the particularized description requirement is relaxed with respect to what is sought. The warrant must specify the places to be entered and the time and scope of the inspection. The affidavits should contain sufficient information to permit a magistrate to find probable cause to believe that aliens who are illegally in the United States will be found on the premises.

Officers may properly use *Blackie's* warrants to gain entry onto premises for the purpose of searching for unnamed illegal aliens who are believed to be present on the premises. However, the federal district court in the Northern District of Illinois has suggested that *Blackie's* warrants may not be used for residential premises.⁶⁷

b. Barlow's Warrants

A *Barlow's* warrant need not be based upon specific evidence of an existing violation but may be issued on the basis of a general administrative plan for enforcement based upon specific criteria that explain how a business falls into the general plan.⁶⁸ A *Barlow's* warrant may be issued upon a showing that reasonable legislative or administrative standards for conducting an inspection are satisfied with respect to the establishment to be searched.⁶⁹

In order to obtain a *Barlow's* warrant, the agency must show that the warrant is based upon a general inspection plan. The first requirement of a general plan is identification of the source information. The source data may be gathered from neutral sources such as surveys, studies, expert opinion, and statistics.⁷⁰ The agency must also show that the general plan is consistent with the agency's mission.⁷¹ The third and fourth requirements are identification of the material used and the manner of its use in making a specific selection. The agency must show that it has a plan with specific criteria, that the criteria are neutral as to this specific employer, that the criteria came from a source other than the investigator, and that there is an adequate explanation as to how a particular employer falls within the plan.⁷² The application for a warrant must show that: (1) the plan was derived from a neutral source that identified the group of businesses to be inspected under the plan; (2) the plan is consistent with the agency's mission; (3) the specific criteria used in the plan and the fact that they are neutral to the business to be inspected; and (4) the particular business falls within the plan. A *Barlow's* warrant may be useful in the investigation of employer sanctions cases under section 274A of the Act.

3. *Execution of the Search Warrant*

The manner of execution of a criminal search warrant is specified in Rule 41 of the Federal Rules of Criminal Procedure. Among other requirements, Rule 41 specifies the period for which the warrant is valid, the time of day it may be executed, the manner in which the executing officers may enter the premises to be searched, and the requirements regarding the property seized during the search.

Pursuant to 18 U.S.C. § 3105 the warrant may be executed by: (1) the person to whom the warrant is directed; (2) any officer authorized by law to execute a search warrant; or (3) any other person aiding someone authorized to execute a warrant, who is present and acting in execution of the warrant. Under 18 U.S.C. § 3105, unnamed federal agents may aid other federal agents who are named in the warrant. State officers may also assist federal agents in executing a federal warrant.

Under 18 U.S.C. § 3109, officers executing a search warrant are required to knock and announce their authority and purpose upon arrival at the place to be searched. If entry is refused, the officers may then use reasonable force to obtain entry.

In those circumstances where INS officers are asked to assist in the execution of a warrant obtained by state or local authorities, the INS officers must inquire about the nature and scope of that warrant to ensure that they are acting consistently with its authorization and limitations.⁷³

B. WARRANTLESS SEARCHES AND SEIZURES

Warrantless searches and seizures are *per se* unreasonable under the fourth amendment unless they fall within a recognized exception.

1. *Search Incident to Lawful Arrest*

Incident to a lawful arrest, the arresting officer may search the arrestee's person and the area "within his immediate control" -- meaning the area from within which the arrestee might gain possession of a weapon or destructible evidence.⁷⁴ A search incident to arrest is an exception to the warrant requirement when four factors are present: (1) the arresting officer must have the authority to make a valid arrest; (2) the arrest must be based on probable cause; (3) the arrest must be made in good faith and not as a pretext to justify the search; and (4) the search must be contemporaneous with the arrest. There is no requirement that the facts of the particular case indicate a likelihood of finding either evidence or weapons.⁷⁵ The purpose of the search is to protect the arresting officers and to prevent the destruction of evidence.⁷⁶

a. *Search of Vehicle Incident to Arrest*

When an occupant of a vehicle is arrested, the officer may, incident to this arrest, search the entire passenger compartment, including the glove compartment, as well as closed containers located therein.⁷⁷ See also *Inventory Searches of Seized Vehicles and Container Searches* at III-13, *infra*. The officers may also conduct a limited protective search of a vehicle when he or she has a reasonable belief that the motorist is dangerous and could grab a weapon inside the vehicle, even if the stop is only based upon reasonable suspicion. The scope of the search is limited to the location where a weapon could be accessible to the detainee.⁷⁸

b. *Search of Premises Incident to Arrest*

If a person is arrested in a dwelling, only that area within the reach of an arrestee may ordinarily be searched pursuant to a lawful arrest without a search warrant.⁷⁹ However, if the officer making the arrest has a reasonable suspicion based upon specific articulable facts that a dwelling where the arrest occurred harbors an individual who presents a danger to those on the scene, a limited protective sweep of the area may be conducted.⁸⁰ The sweep in these circumstances extends only to a cursory inspection of those spaces where a person might be found; it does not include an in-depth search of the area.

If the person is arrested outside or near a dwelling, the dwelling may not constitutionally be searched except with consent or in exigent circumstances, as described below.⁸¹

2. *Consent Searches*

Officers may conduct a search of premises or effects without a warrant and without probable cause if the person in control of the premises or effects gives his or her voluntary consent. Whether consent is voluntary depends upon the totality of the circumstances, including "evidence of minimal schooling, low intelligence, and the lack of effective warnings to a person of his rights."⁸² Consent is involuntary when it is the product of coercion or threat, express or implied.⁸³ Other factors affecting voluntariness include: an officer's claim or show of authority,⁸⁴ prior illegal government action, mental or emotional state of the person,⁸⁵ cooperation or lack thereof,⁸⁶ and custody.⁸⁷ Officers need not advise the subject that consent may be refused, although whether such an advisory is given is a factor in determining the voluntariness of the consent. Mere failure to object to a search or otherwise resist is not consent.⁸⁸ The burden is on the government to demonstrate that consent was voluntary. *Miranda* warnings are inapplicable. However, consent may not be obtained by trick or coercion.⁸⁹

Consent to search may be given only by the person with the primary right to occupy the premises or a third party who possesses common authority over, or other sufficient relationship to, the premises or effect sought to be inspected.⁹⁰ A warrantless search will also be upheld when

based upon the consent of a third party whom the police, at the time of entry, reasonably believe to possess common authority over the premises, but who in fact does not.⁹¹ Generally, courts uphold third-party consent to search a home given by a spouse, a live-in paramour, or a parent. In contrast, a landlord or hotel owner may not give valid consent to search the rented premises.

The duration and scope of a person's consent is measured by a standard of objective reasonableness. In other words, what would the typical reasonable person have understood by the exchange with the officer?⁹² If an officer requests permission to search a car for drugs, it is reasonable for an officer to consider a suspect's general consent to search the vehicle to include unlocked containers within the car.⁹³ A person may revoke his or her consent to search at any time.

3. *Exigent Circumstances*

Officers may make a warrantless search based upon probable cause when some exigency or compelling urgency requires immediate action in order to protect law enforcement personnel or the public, or to prevent the destruction of contraband or evidence.⁹⁴ Factors which the court will consider in determining exigency to justify a warrantless search include: (1) the gravity or violent nature of the crime; (2) whether the suspect is believed to be armed; (3) a clear showing of probable cause to believe that the suspect committed the offense; (4) likelihood that the suspect will escape absent swift action; (5) level of force utilized in effecting the entry; (6) reason to believe that the suspect is on the premises; and (7) insufficient time to obtain even a telephonic warrant.⁹⁵

Warrantless entries and searches are also permitted: (1) when officers reasonably believe that someone is in immediate need of assistance; (2) to protect or to preserve life; or (3) to avoid serious injury. At such times officers may seize any evidence that is in plain view.⁹⁶

Warrantless entry and seizure of contraband or evidence is permissible if the officers believe that the evidence is probably being destroyed.

a. *Hot Pursuit*

An officer may enter private property in hot pursuit of a suspect who is fleeing to avoid arrest.⁹⁷ Upon entering the premises in hot pursuit, officers may briefly conduct a protective sweep of the premises to ensure their safety from other persons or weapons that may be hidden within.⁹⁸ Officers may enter upon private lands to make a warrantless arrest, provided the arrest is based upon probable cause and the person is in plain view.⁹⁹ A suspect may not defeat an otherwise proper arrest by retreating to a private place.¹⁰⁰

Hot pursuit does have limitations. A claim of hot pursuit will not be sustained where there is no immediate or continuous pursuit of a suspect from the scene of a crime, or where the alleged offense is not a serious crime.¹⁰¹

b. *Arrest in a Public Place*

A law enforcement officer may enter a business establishment or a public place on the same basis as the public who is invited to transact business.¹⁰² Any area where there is no expectation of privacy is considered a public place.¹⁰³ This includes observations made by INS officers in public areas which are not protected by the fourth amendment, since there is no legitimate expectation of privacy in public areas such as parks, roads, streets, alleys, private premises open to the public, and that portion of commercial establishments, lobbies or hallways of apartment houses that are open to the public.¹⁰⁴ Officers may enter onto farms or other outdoor agricultural operations that extend invitations to enter to the general public, such as "pick it yourself" orchards.

4. *Detention Facility Searches*

Fourth amendment protection is diminished in the area of supervisory searches of prisoners by governmental personnel.

a. *Searches of Detainee's Cell*

The Supreme Court has upheld the practice of conducting unannounced searches of prisoner cells at irregular intervals.¹⁰⁵ Prisoners' privacy rights during incarceration do not outweigh the need of the prison authorities to ensure security within penal institutions.¹⁰⁶ The Supreme Court has ruled that detainees have no right to observe a search of their cells.¹⁰⁷

b. *Mail Searches*

Searches of incoming and outgoing mail at penal institutions, while within the fourth amendment, more frequently have been addressed on first amendment grounds.¹⁰⁸ Correspondence to and from prisoners is divided into two categories, privileged and non-privileged. Privileged mail includes mail from attorneys, courts, governmental officials, and in some instances, the media.¹⁰⁹ Privileged incoming mail may only be inspected in the presence of the inmate addressee, and only for contraband. The mail may not be read and/or censored. Privileged outgoing mail may not be opened, inspected, or censored.¹¹⁰ This is subject to modification if the authorities can establish probable cause for search and seizure of privileged mail.¹¹¹

Non-privileged mail may be inspected for contraband, but the intrusion should be minimal to protect the first amendment rights of the prisoner.¹¹² If the penal authorities elect to

censor non-privileged mail, they must give appropriate notice to the intended recipient and a reasonable opportunity to challenge the decision, and they must refer complaints to a prison official other than the person who originally censored the correspondence.¹¹³

c. *Searches of Detainees*

The Supreme Court has upheld routine strip searches given the reasonable security concerns within penal institutions.¹¹⁴ Among the factors which the Court considered were the scope of the intrusion and the manner and the place in which the search was conducted. Before undertaking any search, consideration should be given to the reason for the search and the relationship to the security concerns of the institution.

In the Western Region, pursuant to *Flores v. Meese*,¹¹⁵ officers may not strip search juvenile alien detainees absent probable cause for the search.

5. *Border Searches*

Border searches are a recognized exception to the fourth amendment's general principle that a warrant be obtained prior to conducting the search. Border searches are reasonable without a warrant and without probable cause.¹¹⁶ This exception also applies to searches at the functional equivalent of the border.

a. *Searches at International Borders*

The interrogation and search of individuals and their effects at the border is inherently reasonable for purposes of the fourth amendment.¹¹⁷ INS officers may interrogate individuals to determine admissibility without probable cause or "reasonable suspicion."¹¹⁸ INS officers may interrogate all persons seeking admission to the United States concerning any basis for which the individual may be excludable.¹¹⁹ Routine searches of persons and things may be made upon their entry into the country without a search warrant or probable cause.¹²⁰ Routine searches of persons and things likewise may be made upon their exit from the country.¹²¹ However, a warrantless border search is valid only if conducted by officials specifically authorized to conduct such searches.¹²²

These border searches may be made when entry is made by land from the neighboring countries of Mexico and Canada, at the place where a ship docks in this country after having been to a foreign port, and at any airport in the country where international flights land.¹²³ Officers may search automobiles, baggage, and goods entering the country. Any person seeking to enter the country, despite the brevity of absence or intended period of stay in the United States, may be required to submit to a search of his or her outer clothing, purse, wallet, or pockets. However, border searches are subject to constitutional limitations. Searches of persons, particularly body cavity searches and similar intrusive procedures, require some level of

suspicion under the fourth amendment.¹²⁴ The border search authority extends to all persons or vehicles attempting to enter or seen entering the United States. The authority has been extended to permit searches where an automobile was kept in constant surveillance for a period of four hours and the search was conducted at a distance of twenty-five miles from the border,¹²⁵ and where a vehicle was seen coming from a "known river crossing" some 300 yards from the Río Grande, since the vehicle was still within the "border nexus."¹²⁶

b. *Extended Border Search*

An "extended border search" takes place after a person, vehicle, mail, or some other property has crossed the border or cleared a prior checkpoint, or a significant amount of time has elapsed since the object first arrived in the United States. An extended border search must be justified by "reasonable suspicion" that the subject of the search was involved in criminal activity.¹²⁷ In contrast, a search conducted at the border or its functional equivalent requires no suspicion and a roving patrol search requires probable cause. The determination of whether a valid extended border search has been undertaken is based on a multiplicity of factors. Generally, an extended border search requires: (1) reasonable suspicion of illegality; (2) reasonable certainty that the vehicle/person crossed the border; and (3) reasonable certainty that the condition of the vehicle/person remained unchanged since the border was crossed, often established through constant surveillance or tracking.¹²⁸ Courts have upheld border searches conducted thirty-six hours after the vessel entered Los Angeles harbor,¹²⁹ seven hours after border crossing and 105 miles from the border,¹³⁰ and where radar tracked a plane from Mexico entering into the United States.¹³¹

c. *Functional Equivalent*

The broad authority which exists at the international border also extends to areas found to be the "functional equivalent" of the border. This principle is based on common sense and geography when an interior location is one which persons crossing the border must pass to enter the domestic traffic flow. Generally, a functional equivalent of the border is a point marking the intersection of two or more roads extending from the border without any major intervening crossroad, or an airport which is the destination of a nonstop flight from outside the United States.

Three factors are used to determine whether a location other than the actual border is a "functional equivalent": (1) reasonable certainty that a border crossing has occurred; (2) lack of time or opportunity for the object to have changed materially since the crossing; and (3) execution of the search at the earliest practical point after the actual crossing. For example, customs agents conducted surveillance in the dock area where passengers leave cruise ships and observed an individual leaving the ship and entering a vehicle. The vehicle departed the area and was stopped some one and one-half mile from the docks, although still within the port area. A search at the gangplank area would have required the agents to disclose their routine hiding

places at the port. Since the car had not left the port area when it was stopped and the stop was effected at the earliest practical time, it fell within the "functional equivalent" exception.¹³²

The functional equivalent of the border may be the mouth of a canyon, the confluence of trails or rivers, or a fixed checkpoint. Not all checkpoints are "functional equivalents." The key factor for consideration in determining whether the location is the "functional equivalent" is whether the "person or item had entered into [the] country from outside."¹³³ A "functional equivalent" will not be found where there is a mixture of domestic traffic with the traffic normally coming from the international border or where a major metropolitan area is located between the proposed location and the border.¹³⁴

In the Fifth Circuit, which includes Texas, in order for a checkpoint to merit the designation of "border equivalent checkpoint," the government must demonstrate with "reasonable certainty" that the traffic passing through the checkpoint is "international in character," and the checkpoint intercepts "no more than a negligible number of domestic travelers."¹³⁵ Officers should be familiar with any "functional equivalent" within their jurisdiction.¹³⁶ The "functional equivalent" caveat is an exception to the general rules applicable to arrests, searches, and seizures that do not occur at the border. If there is any question whether the particular area is a "functional equivalent," an officer should apply the reasonable suspicion and probable cause standards for searches and seizures that are applicable to interior locations.

d. *Entry of Lands Within 25 Miles of Border*

Under section 287(a)(3) of the Act, immigration officers may enter private lands, but not dwellings, within 25 miles from any external boundary of the United States for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States. The regulations define the phrase "patrolling the border to prevent the illegal entry of aliens into the United States" as "conducting such activities as are customary, or reasonable and necessary, to prevent the illegal entry of aliens into the United States." 8 C.F.R. § 287.1(f).

INS Operations Instructions (OIs) require that whenever possible immigration officers shall inform the owner or occupant of private lands that they propose to avail themselves of their power of access to those lands. If a direct challenge is made of the officer's authority, the matter should immediately be brought to the attention of the officer's supervisor. In most cases consent will be given in advance for extended periods; if not, and after all methods of persuasion have failed, including efforts by personal interview and the placing of the landholder on notice of the law by registered mail, officers may, if absolutely necessary, gain access to areas within the 25 mile area by the most expeditious means. This is an extreme measure and is to be resorted to only on the direction of a supervisory officer after careful consideration. If damaged, fences and gates should be repaired immediately and precautions taken to avoid further injury to the property.¹³⁷

6. *Checkpoints*

The Border Patrol conducts two types of inland traffic-checking operations: checkpoints and roving patrols. Border Patrol agents may lawfully stop motorists at checkpoints located away from the border to determine the citizenship of the vehicle's occupants. In *United States v. Martinez-Fuerte*, the Supreme Court established constitutional guidelines for checkpoint stops and searches. The inquiry must be brief and limited to the immigration status of the occupants of the vehicle and the only permissible search is a "plain view" inspection to ascertain whether there are any concealed illegal aliens.¹³⁸ Absent consent, a more in-depth search of the occupant or the vehicle requires probable cause.¹³⁹

Probable cause can be developed by the agent's questioning of the occupants and observation of their appearance.¹⁴⁰ Probable cause concerning the existence of contraband may also be developed through observation of material in plain view of the agent. Agents' observations which have been held to support searches include situations where an agent observed marijuana debris on the floor of a vehicle and smelled the distinctive odor of marijuana.¹⁴¹ Observation of marijuana seeds on the floor and nervousness of the driver were found sufficient to sustain a search for contraband,¹⁴² and the Fifth Circuit has held that the aroma of marijuana alone was sufficient to justify a Border Patrol agent's search of a vehicle.¹⁴³

Where agents have probable cause to search at a checkpoint, no warrant need be obtained because, as discussed below, a vehicle is a traditional exception to the warrant requirement.

In *Martinez-Fuerte*, the Supreme Court distinguished a checkpoint from a "roving patrol." At a checkpoint, the situation is controlled and causes the individual traveller less anxiety. Roving patrols, on the other hand, often operate at night and on seldom-traveled roads, presenting the possibility of frightening motorists. In validating the operation at the San Clemente checkpoint, the Court considered the government's need to control the influx of illegal aliens, the characteristics of the operation, including the use of warning lights and signs, the minimal nature of the intrusion, and the routine and regularized manner in which stops were effected. The Court found that this type of routine stop did not require reasonable suspicion.¹⁴⁴

In order to ensure that Border Patrol checkpoints continue to withstand challenges, all checkpoints should be operated in accordance with the instructions set forth in the *Border Patrol Handbook*.¹⁴⁵ Except for the absence of permanence, INS policy requires that temporary checkpoints should be operated in a manner as close as possible to permanent checkpoints to avoid legal difficulties.

7. *Vehicle Stops and Searches*

In *United States v. Brignoni-Ponce*,¹⁴⁶ the Supreme Court held that an INS officer on

roving patrol may stop a car briefly and investigate suspicious circumstances where the officer has a reasonable suspicion that a particular vehicle contains aliens who may be illegally in the United States.¹⁴⁷ Though not exclusive, circumstances which have been acknowledged to be pertinent in justifying vehicle stops include:

- (1) the characteristics of the area in which a vehicle is encountered, such as its proximity to the border, the usual patterns of traffic on the particular road, previous experience with alien traffic, and information about recent illegal border crossings;¹⁴⁸
- (2) the driver's or passenger's behavior, including erratic driving or obvious attempts to evade officers;¹⁴⁹
- (3) aspects of the vehicle, *e.g.*, station wagons with large compartments for fold-down seats or spare tires are frequently used for transporting concealed aliens; the vehicle may appear to be heavily loaded or to have an extraordinary number of passengers; or the officers may observe persons trying to hide;¹⁵⁰
- (4) appearance of the occupants, including whether their mode of dress and/or haircut appear foreign;
- (5) information from outside sources such as reports of illegal border crossings, police reports, or informant information; and
- (6) an officer's experience and training, including previous experience with alien vehicle traffic and the inferences and deductions of a trained officer.¹⁵¹

The circumstances which lead to the stop may appear innocent to the untrained observer.¹⁵² However, these circumstances must be considered in totality and not in isolation.¹⁵³

Once the vehicle is lawfully stopped, the officer may question the driver and occupants concerning their citizenship and immigration status and ask for an explanation of the suspicious circumstances. In addition, when the vehicle is stopped, the officer may also order the occupants to exit the vehicle for questioning,¹⁵⁴ request consent to search the vehicle,¹⁵⁵ and examine the exterior and any portion of the interior of the vehicle which is open to view. Any further arrest or search must be based on consent or probable cause in order to comply with the fourth amendment.

Further detention of vehicles may be justified based upon a minimal suspicion of narcotics trafficking. Courts have found that a brief detention for the purpose of utilizing a narcotics dog to sniff the exterior of a vehicle was reasonable under the fourth amendment.¹⁵⁶

INS officers on roving patrol may not stop a vehicle unless they are aware of specific articulable facts, together with rational inferences from those facts, that reasonably support the suspicion that the vehicle contains aliens who may be illegally in the country.¹⁵⁷

8. *Inventory Searches of Seized Vehicles*

Warrantless searches of vehicles for the purpose of making an inventory of the personal effects of the contents of the vehicle after a suspect has been taken into custody are reasonable under the fourth amendment.¹⁵⁸ "Inventory" searches of properly seized vehicles are reasonable and do not require probable cause where the purpose is not investigative, but rather: (1) to protect the police or the public from potential damages; (2) to protect the police against claims of lost property; or (3) to protect the owner's property while it is in police custody. The inventory search cannot be used as a subterfuge for a criminal investigative search.¹⁵⁹

An inventory search not made on-the-scene, but rather, for example, after the vehicle has been moved to an impoundment lot, is also reasonable under the fourth amendment.¹⁶⁰ Where the law enforcement agency maintains a standard practice of conducting an "inventory" search, such a search is reasonable for fourth amendment purposes.¹⁶¹

9. *Container Searches*

The general rule is that search of a closed container requires consent or a warrant based upon probable cause.¹⁶² Under the vehicle exception, law enforcement officers who have lawfully stopped an automobile and who have probable cause to believe that contraband is concealed either specifically within a container or somewhere else within the car may conduct a warrantless search of any area within the vehicle that may conceal contraband.¹⁶³ This area includes closed containers located within the car as well as areas of the car that may require permanent damage to reach, such as slashing the upholstery to reveal the contraband.¹⁶⁴ The Supreme Court has recently reversed two decisions which held that officers could not conduct a warrantless search of a closed container in a vehicle unless they had probable cause to search the entire car.¹⁶⁵ In *California v. Acevedo*, the Court held that law enforcement officers do not need to obtain a warrant in order to search a container in a car "simply because they lack probable cause to search the entire car."¹⁶⁶ In such cases, the scope of the search is limited to any container which could reasonably be believed to contain the contraband. Probable cause to believe that undocumented aliens are being transported in a van will not justify warrantless search of a suitcase. However, the suitcase may be searched under an "inventory search" if appropriate.¹⁶⁷ If officers have probable cause to believe an individual is transporting drugs or other contraband in the vehicle or in a container within the vehicle, the officers may conduct a warrantless search of every part of the vehicle and its contents, including all containers and packages that may conceal the object of the search.¹⁶⁸ The object of the search defines the scope of the search.¹⁶⁹

10. *Other Exceptions to the Warrant Requirement*

A warrant is not required before a search or seizure in the following additional circumstances.

a. *Evidence in Plain View*

When a police or INS officer while lawfully present uses one or more of his or her senses to make a detection, that detection is not a search within the fourth amendment. If an item is immediately recognized as seizable evidence or contraband without the necessity of picking up or touching the object to examine it, an officer who is lawfully present may seize the item without a warrant.¹⁷⁰ For example, an officer may gain a lawful vantage point while executing a warrant to search a given area for specified object, and in the course of the search the officer may observe in plain view some other article of incriminating character; or while in hot pursuit of a fleeing suspect an officer may observe contraband; or an officer in a public place or open area or standing on a sidewalk may smell the manufacturing of LSD, overhear the plotting of a criminal conspiracy, or see marijuana plants growing in a backyard.¹⁷¹

In the "plain smell" context no search occurs when an officer, lawfully present at a certain place, detects odors emanating from private premises, from a vehicle, or from some personal effects such as luggage.¹⁷² The courts divide on whether the plain smell doctrine permits an officer to lightly squeeze luggage in order to detect the odor within the luggage.¹⁷³

A case still comes within the plain view/senses doctrine when officers' observations/detections are aided by flashlights, binoculars, cameras, or other common enhancement devices.¹⁷⁴ In determining whether a case fits within the plain senses doctrine, the court will consider the degree of sophistication of the equipment and the extent to which the incriminating objects or actions were out of the line of normal sight from contiguous areas where passersby or others might have made the observation.¹⁷⁵ For example, wiretapping invades privacy beyond that permitted under the plain hearing doctrine and requires a warrant.

Plain view allows an officer to view the contraband or incriminating article. To gain access to and seize that article, there must be either a warrant, consent, exigent circumstances, or some other exception to the warrant requirement.¹⁷⁶ If an object is observed on the person of an individual, the seizure of such article first requires an officer to either obtain a warrant, seize the article pursuant to a search incident to arrest, or justify the warrantless seizure under exigent circumstances.¹⁷⁷

b. *Open Fields*

Open fields and any unoccupied or undeveloped area outside a dwelling or its curtilage may be searched without a warrant under the "open fields" exception to the warrant rule.¹⁷⁸ No

reasonable privacy expectation exists in "open fields" even if surrounded by a fence. A fenced area is not significant unless it constitutes a "curtilage."¹⁷⁹ The area constituting curtilage depends on: (1) the proximity of the area to the home, (2) whether the area is enclosed in the same fence that surrounds the home, (3) what type of activity the area is used for, and (4) the steps taken to guard the area from observation.¹⁸⁰ "Trespass" by law enforcement officers is permissible onto "open fields" when the performance of duty so requires.¹⁸¹

However, in order to enter onto the premises of a farm or other outdoor agricultural operation for the purpose of questioning persons believed to be aliens regarding their right to be or remain in the United States, the officer must first obtain either the consent of the owner or his or her agent or obtain a properly executed warrant.¹⁸² The warrant exceptions for exigent circumstances are also applicable in these instances.¹⁸³

This limitation on the "open field" doctrine does not apply when the officer is entering onto the land for a purpose other than questioning persons believed to be aliens. Thus, the officer may enter land to obtain consent or for any other permissible purpose. An officer may conduct surveillance of activities occurring on farms or other outdoor agricultural operations.

c. *Canine "Sniffs"*

Generally, a canine sniff of an inanimate object such as luggage in a public place does not constitute a fourth amendment search or seizure.¹⁸⁴ In evaluating the propriety of a canine sniff as a law enforcement tool, the courts have balanced the intrusiveness of the sniff against the reasonableness of any privacy interest in the area to be sniffed.¹⁸⁵ For example, canines may be used to sniff the exterior of vehicles during immigration inspection at checkpoints or ports of entry.¹⁸⁶ The use of canines to sniff the outside of a vehicle in a public place is not a fourth amendment search.¹⁸⁷ Courts have upheld the legality of canine sniffs, undertaken without reasonable suspicion of the exterior of luggage in possession of a common carrier or the outside of lockers in a public transportation terminal.¹⁸⁸

Canines may not be used in areas where an individual has a heightened expectation of privacy such as the body, clothing worn by a person, or personal property while it is being worn by or held in the physical possession of a person, absent reasonable suspicion or an applicable exception to the warrant requirement.¹⁸⁹ Similarly, the use of canines to sniff dwellings or the area immediately surrounding a dwelling ("curtilage") requires a warrant, or a recognized exception to the warrant requirement.¹⁹⁰ Any seizure or detention of an object for exposure to a sniff by a canine must be supported by an officer's reasonable suspicion that the object is or contains contraband and such detention must be brief in length, during which time the officers must diligently pursue the investigation.¹⁹¹

A positive alert by a properly trained canine generally constitutes sufficient probable cause to support a search or seizure.¹⁹² However, unless the situation falls within a warrant

exception, the officer must still obtain a warrant before conducting a search or making an arrest.¹⁹³

C. ADMINISTRATIVE SUBPOENAS

Certain INS officers are authorized to issue administrative subpoenas pursuant to section 235(a) of the Act.¹⁹⁴

Pursuant to 8 C.F.R. § 287.4(a), certain INS officers may issue a subpoena requiring the production of records and evidence for use in criminal or civil investigations or, if prior to the commencement of proceedings, for use in proceedings. If proceedings have commenced, a subpoena must be issued by an immigration judge. Pursuant to 8 C.F.R. 287.4(d), the INS may seek the aid of a United States District Court if a witness refuses to honor the administrative subpoena.

In addition to an officer's authority to issue subpoenas under section 235(a) of the Act, it is also possible for officers, once a complaint has been filed, to seek the issuance of subpoenas from administrative law judges under the provisions of sections 274A(c)(2) [8 U.S.C. § 1324a(c)(2)] and 274C(d) [8 U.S.C. § 1324c(d)] of the Act. Issuance of these subpoenas for employer sanctions and civil document fraud cases should be discussed with the District Counsel.

The fourth amendment requires that administrative subpoenas be sufficiently limited in scope, relevant in purpose, and specific in directive so that compliance will not be unreasonably burdensome.¹⁹⁵

CHAPTER IV

SEIZURE AND FORFEITURE OF CONVEYANCE

Pursuant to section 274(b) of the Act, 8 U.S.C. § 1324(b), any conveyance, including vehicles, vessels, aircraft, and any appurtenances connected with such conveyance, may be seized by officers having probable cause to believe that the conveyance has been used in violation of section 274(a) of the Act. Such conveyances may be seized without a warrant if circumstances exist where a warrant is not constitutionally required. For example, where the conveyance is mobile and likely to be unavailable for later execution of a warrant, a warrant is not required.

The officer's report should articulate facts to support each element of the particular criminal offense which forms the basis for the seizure. Section 274(a) of the Act describes five separate criminal offenses including bringing to, bringing into, transporting within, harboring, and encouraging entry of illegal aliens, and any attempts to commit these violations.

* Section 274(a)(1)(A) prohibits bringing a person known to be an alien to the United States at a place other than a designated port of entry or place designated by the Commissioner.

* Section 274(a)(1)(B) prohibits transportation within the United States of an alien either knowingly or in reckless disregard of the fact that the alien has illegally come to, entered, or remains in the United States, where such transportation furthers the alien's illegally coming to, entering, or remaining in the United States.

* Section 274(a)(1)(C) bars concealing, harboring, or shielding of an alien either knowingly or in reckless disregard of the fact that the alien has illegally come to, entered, or remains in the United States.

* Section 274(a)(1)(D) proscribes encouraging or inducing an alien to come to, enter, or reside in the United States either knowingly or in reckless disregard of the fact that such coming to, entry, or residence is or will be unlawful.

* Section 274(a)(2) makes it illegal to bring an alien to the United States either knowingly or in reckless disregard of the fact that the alien has not received prior official authorization to come to, enter or reside in the United States.

Since each of these offenses requires knowledge of either alienage or illegal status on the part of someone other than the transported alien, the mere presence of an illegal alien in a conveyance does not by itself provide the necessary probable cause for a seizure.

Following a lawful seizure of a conveyance and after due notice of seizure to the registered owner and any known lienholder, any person having a legally cognizable interest in a seized conveyance may present evidence to the INS to establish either: (1) that the conveyance was not "seizable;" i.e., there was no probable cause to believe a violation of section 274 of the Act occurred; (2) that the conveyance is not "forfeitable"; i.e., that title to the seized conveyance may not pass to the United States, since the owner was not involved in or privy to the smuggling; or (3) though title to the vehicle is forfeited to the United States, the vehicle should be returned to the interested party based upon mitigating circumstances or because the interested party was not directly involved in or privy to the smuggling. Accordingly, a forfeited conveyance may be "remitted" to a bank, lienholder, or registered owner, who pays seizure costs and promises not to return the conveyance to any named culpable party. Similarly, a forfeiture may be "mitigated" in favor of a culpable party to whom the INS returns the vehicle in exchange for payment of a monetary fine and seizure costs.

In addition, an interested party may seek judicial review of any seizure under section 274 of the Act by timely filing a claim and a bond in accordance with 8 C.F.R. § 274.11. The case is then transmitted to the U.S. Attorney for institution of judicial forfeiture proceedings in U.S. District Court naming the conveyance as the defendant. All cases in which the appraised value of the conveyance is greater than \$100,000.00 must be so referred to the U.S. Attorney for judicial forfeiture proceedings, pursuant to 8 C.F.R. § 274.12.

For further information, please consult the INS Asset Forfeiture Office Manual on Conveyance Seizures.

CHAPTER V

INS UNDERCOVER OPERATIONS

The Attorney General issued Guidelines on INS Undercover Operations, effective March 19, 1984. An "undercover operation" is defined as "any investigative operation in which an undercover employee or cooperating private individual is used." All INS undercover operations fall into one of three categories under the Guidelines: (1) those undercover operations which must be authorized by the INS Commissioner with the concurrence of the Assistant Attorney General for the Criminal Division; (2) those which must be authorized by the appropriate Headquarters program;¹⁹⁶ and (3) those which must be authorized by the appropriate District Director or Chief Patrol Agent. The Guidelines also authorize the District Director or Chief Patrol Agent to approve undercover operations in the first two categories in emergency situations involving protection of life or substantial property, to apprehend or identify a fleeing offender, or to prevent the destruction of evidence or other grave harm.

In general, the greater the risk of harm or intrusiveness, the higher the approval level required. The Guidelines require periodic consultation by INS personnel with the U.S. Attorney or Strike Force Chief during the course of an undercover operation, no matter who has approved its implementation. The Guidelines also create an Undercover Operations Review Committee comprised of INS personnel and Criminal Division attorneys to review and make determinations on operations requiring Headquarters approval.

The Guidelines describe the manner in which application should be made for approval of an undercover operation. The guidelines are being revised. If you have any questions regarding the applicability of the guidelines, contact a supervisor or legal counsel.

CHAPTER VI

RELATIONS WITH LOCAL AND STATE ENFORCEMENT AGENCIES

It is Department of Justice policy for INS officers to cooperate with local and state law enforcement officers who notify the INS of suspected violations under state law. This policy includes INS officers assisting in enforcing local law where the matter is serious and the need to act is imperative. Should an on-duty agent happen to witness a felony or violent misdemeanor cognizable under state law, the INS expects that the agent will take reasonable action as a law enforcement officer to prevent the crime and/or apprehend the violator. Unless specifically authorized as a peace officer under state law, the agent's authority in these situations is that of an ordinary citizen. The limitations and liabilities associated with such action are defined in state law. INS officers must be thoroughly familiar with the applicable state laws of their jurisdiction. Further, this policy does not apply to routine traffic violations or other minor offenses. The INS will fully support an agent's reasonable actions in the above situations, and the agent will be regarded as acting within the scope of federal employment and official duties. (See Representation of INS Employees, Chapter XI).

Further, INS agents may engage in joint operations with local officers that are expected to uncover violations of both immigration and local laws. The INS is regularly asked to assist local officers in tracking and locating lost persons or suspected criminals. INS agents will continue to assist such local enforcement efforts; however, INS officers may make arrests for non-immigration state criminal offenses only to the extent that the individual state laws permit them to do so as private citizens. As noted previously, state law may also provide peace officer status to federal officers which would also provide the right to make arrests for non-immigration offenses. However, such authority should only be exercised in conformity with INS policy. In working with local police, INS officers should make it clear that the INS officers are solely responsible for immigration law determinations. Local police are responsible for enforcement of local laws.

The following guidelines are to assist the INS in carrying out the policy of mutual cooperation:

- (1) INS officers may not direct, propose, or request that state or local law enforcement operations be carried out when these operations will be beneficial only to the INS;

- (2) Joint operations may not be conducted unless there are independent and articulable facts that clearly indicate that the involvement of both the INS and another law enforcement entity is required;
- (3) Local authorities should be consulted whenever an INS operation is likely to uncover a violation of state or local codes or result in, for example, a need for crowd or traffic control;
- (4) Information furnished pursuant to legalization applications cannot be examined by anyone other than officers or employees of the Department of Justice. This information cannot be used except to make a determination on the application or for federal criminal prosecutions for fraud in connection with the application;¹⁹⁷
- (5) Information on the Form I-9 may not be used except to enforce provision of Title 8, United States Code or to prosecute violations of sections 1001, 1028, 1546, and 1621 of title 18, United States Code.¹⁹⁸

CHAPTER VII

DETAINERS

Section 287(d) of the Act mandates that the INS make a prompt determination whether to issue a detainer when an alien is arrested by Federal, State or local law enforcement officers for a controlled substances violation. The provisions of this section are triggered if the official:

- (1) has reason to believe that the alien may not have been lawfully admitted into the United States, or is otherwise not lawfully present in the United States;
- (2) expeditiously informs an appropriate INS officer of the arrest and of facts concerning the status of the alien; and
- (3) requests a prompt determination.

If a detainer under these provisions is issued and the alien is not otherwise detained by Federal, State, or local officials, the Attorney General must expeditiously take custody of the alien.

Detainers may also be placed against any other alien who is amenable to exclusion and deportation proceedings under any provision of the law.¹⁹⁹ Detainers may only be issued by immigration officers pursuant to 8 C.F.R. §§ 242.2 and 287.7. A detainer is lodged by filing Form I-247 "Immigration Detainer - Notice of Action by Immigration and Naturalization Service." This document is merely a notice to the institution and a request for thirty (30) days notice prior to release of the alien from custody. It does not limit the institution's discretion in any decision affecting the offender's classification, work and quarters assignment or other treatment which he would otherwise receive, and this is specifically stated on the face of the notice. Unlike detainers issued pursuant to section 287(d) of the Act, these notices do not require the INS to take custody of the alien upon release from custody.

The provisions of 8 C.F.R. § 242.2(a) also authorize detainers to be issued in two other circumstances. Telephonic detainers may be placed by officers. These detainers must be confirmed in writing within twenty-four (24) hours of issuance. These detainers must contain substantially the same language in the Form I-247. They are also merely a notice to the institution and a request that INS be notified prior to release of the individual. This provides INS officers the opportunity to question the individual prior to release to determine whether he or she is a deportable alien who should be arrested.

Temporary detention of an alien can be obtained at the Service request.²⁰⁰ This "detainer" is unlike those previously discussed because it is not a mere notice and request for information prior to release. This section applies only when the individual is no longer subject to detention by the criminal justice agency. It authorizes the alien to be maintained in custody for "a period not to exceed forty-eight hours, in order to permit assumption of custody by the Service."²⁰¹ A detainer placed under this subsection is an arrest which must be supported by probable cause. These detainers should be followed by an Order to Show Cause. Since it is difficult to establish that these aliens are likely to abscond before a warrant can be obtained to support an arrest without warrant under section 287(a)(2) of the Act, a warrant of arrest should be issued and served upon the alien. Except as provided in 8 C.F.R. § 242.2(a)(4), a detainer does not bind the INS to any fiscal responsibility until custody is actually assumed by the Service.

CHAPTER VIII

POSSIBLE CONSEQUENCES OF IMPROPER ACTIONS BY IMMIGRATION OFFICERS

A. EXCLUSION OF EVIDENCE

1. *Criminal Prosecutions*

The fourth amendment guarantees the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. Any evidence secured through an unreasonable search or seizure may be barred from use in any subsequent criminal prosecution. This bar on the use of such evidence is known as the "exclusionary rule." The fourth amendment guarantees the people's right to privacy. The courts have fashioned the exclusionary rule to protect that right and to deter overzealous law enforcement officers. Convictions based on unlawful searches and seizures are often reversed on the basis of the exclusionary rule.²⁰²

The exclusionary rule applies to evidence obtained in violation of other constitutional and statutory rights such as the sixth amendment right to counsel and the fifth and fourteenth amendment rights to due process of law.

2. *Administrative (Civil) Proceedings*

The Supreme Court has held that the exclusionary rule does not apply to civil deportation proceedings.²⁰³ Nevertheless, the Board of Immigration Appeals has excluded evidence seized in violation of the due process requirement of the fifth amendment where the officer's conduct was outrageous.²⁰⁴ In addition, illegally seized evidence which is admissible in deportation proceedings will remain subject to the exclusionary rule in any subsequent criminal prosecution.

Although illegally seized evidence may be admissible in civil deportation proceedings, the Department of Justice in no way condones illegal searches. On the contrary, officers who conduct unconstitutional searches may still be subject to disciplinary action, civil suit, and criminal prosecution. If there is any doubt about the legality or propriety of a proposed plan of action, the safest course is to obtain advance instructions from a supervisor or legal counsel. This can be done by telephone or radio where prompt action is imperative.

3. *Effect on Validity of Proceedings*

If a search or seizure has been made in violation of the Constitution, that fact alone will not necessarily invalidate criminal proceedings. If there is untainted evidence -- not illegally

seized and not derived from an illegal search or seizure -- upon which to base a conviction, the proceedings are valid and need not be terminated.²⁰⁵ The Supreme Court has also ruled that, under certain circumstances, a "reasonable good-faith exception" to the exclusionary rule may apply where illegally seized evidence is acquired pursuant to a defective search warrant. This decision recognizes that an improper warrantless search cannot be deterred where the officer has no reason to believe that there has been any impropriety.

B. CIVIL LIABILITY

1. *Personal Liability of Federal Agents*

The Supreme Court, in *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*,²⁰⁷ held that violation of the fourth amendment by a federal agent acting under color of authority gives rise to a cause of action for damages based on unconstitutional conduct.

Federal officials generally are entitled to absolute immunity only in those exceptional situations where it is demonstrated that absolute immunity is essential for the conduct of public business.²⁰⁸ Other federal officials entitled to absolute immunity are: (1) hearing examiners or administrative law judges when they are performing judicial acts; (2) agency officials who perform functions analogous to those of a prosecutor for their parts in the decision to initiate or continue a proceeding subject to agency adjudication; and (3) agency attorneys presenting evidence at agency hearings. Otherwise, federal executive officials are entitled only to qualified immunity for those actions taken in the performance of their official duties.

Federal officials are shielded from liability for civil damages if their conduct does not violate "clearly established" statutory or constitutional rights which a reasonable person would have known.²⁰⁹ This is an important reason for officers to remain familiar with the laws of arrest, search, and seizure.

Department of Justice policy also permits, in the discretion of the Attorney General, indemnification of Department employees who suffer adverse money judgments as a result of official acts.²¹⁰ This provides additional protection to officers who perform reasonable actions under often difficult circumstances necessitating split-second judgments.

Congress has also recognized that federal officials merit additional legal protection and therefore enacted the "Federal Employees Liability Reform and Tort Compensation Act." While not providing protection against unreasonable violations of constitutional rights, such as the so-called *Bivens* actions previously mentioned, this does protect officers for violations of law resulting from actions taken within the scope of employment.²¹¹ This statute substitutes the United States as the defendant in lieu of the officer.

Officers may also wish to obtain personal liability insurance. This insurance is comparatively inexpensive. It provides peace of mind and eliminates the need to rely upon discretionary determinations to provide legal counsel or to indemnify against adverse judgments.

2. *Liability of the United States for Money Damages*

Since 28 U.S.C. § 2680(h) was amended in March 1974, the United States has been amenable to civil actions on claims of assault, battery, false imprisonment, false arrest, abuse of process, or malicious prosecution because of acts or omissions of investigative or law enforcement personnel acting within the scope of their office or employment under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.²¹² If a plaintiff wins a judgment against the United States, subsequent suits against the officers in their individual capacity for the same subject matter are barred by 28 U.S.C. § 2676. Judgment against an individual officer does not preclude later action against the United States. However, double recovery is not permissible.²¹³

If the actions of an officer are outside the scope of employment, the action would be against that officer in his or her personal capacity. The United States could not be sued.²¹⁴

C. CRIMINAL LIABILITY

An INS officer who acts improperly in performance of assigned duties may risk prosecution for violation of state or federal criminal laws. Such crimes include: criminal trespass, breaking and entering, harassment, assault and battery, kidnapping, homicide, maliciously procuring a search warrant, liability for traffic violations, exceeding authority in executing a search warrant, searching a dwelling without a search warrant, maliciously and without reasonable cause searching any other building or property without a search warrant, and depriving an inhabitant of the United States of constitutional or other legal rights, privileges, or immunities under color of law.

D. DISCIPLINARY ACTIONS

For any of the improper actions discussed above, whether any civil or criminal proceedings are commenced, the INS officer may be subject to agency disciplinary action with possible penalties ranging from an official letter of reprimand to removal from employment, which may bar future federal employment.

CHAPTER IX

REPRESENTATION OF INS EMPLOYEES SUED IN THEIR INDIVIDUAL CAPACITIES

A. DEPARTMENT POLICY

It is the policy of the Department of Justice to represent a federal employee who is sued in a state criminal action or in a state or federal civil action or subpoenaed in his or her individual capacity if it is considered in the best interests of the United States.²¹⁵

Representation by the Department is never available in a federal criminal proceeding or investigation or in an agency disciplinary proceeding.²¹⁶ Representation by the Department is not available in a civil case if the employee is the subject of a federal criminal investigation for the same act or acts.²¹⁷ The Department in its discretion may provide a private attorney to the employee at government expense, provided that no decision has been made to seek an indictment against the employee.²¹⁸

Every INS employee sued in his or her individual capacity has the right to hire private counsel at his or her expense and the Department has no right to intervene (except perhaps in an *amicus* capacity) unless requested.

The Department criteria for personal representation of an employee who is personally sued for damages or the subject of state criminal proceedings or the subject of a congressional or judicial subpoena are:

- (1) The employee's actions must reasonably appear to have been performed within the scope of the federal employment; and
- (2) It must be in the interest of the United States to provide the requested representation.

B. PROCEDURE FOR REQUESTING REPRESENTATION

Every INS officer or employee who is sued in his or her individual capacity or is the subject of a subpoena, and who believes that he or she needs and qualifies for Department representation, must request it in writing.

The representation request must be submitted to the Office of the General Counsel with a copy of the summons and complaint or other legal papers. The request should contain answers to the following questions:

- (1) Were you personally served?
- (2) If so, what was the time, place, and manner of service?
- (3) If not, was anyone served who was authorized by you to accept service?
- (4) Do you in good faith believe that you were acting within the scope of your employment?
- (5) If so, what is the basis for your belief?

The officer or employee also should provide answers to the allegations in the complaint that relate to him or her and state what he or she actually did with regard to the actions complained of. The request for representation should be accompanied by a properly executed DOJ Form 399. The Civil Division of the Department of Justice adjudicates all requests for representation with the advice and recommendation of the General Counsel.

C. ATTORNEY-CLIENT PRIVILEGE

Department of Justice attorneys who undertake representation of individual clients personally sued for money damages have a full attorney-client relationship with those individuals.²¹⁹ This also extends to all DOJ attorneys, which includes INS attorneys who review or transmit a request for representation. The attorney-client relationship commences at such point as the individual requests representation and applies to communications made for the purpose of securing such representation. No material contained in the request nor confidences exchanged during the process may be used against the individual defendant in agency disciplinary or other proceedings, even if the DOJ declines representation.

When an INS employee requests DOJ representation, it is recommended that he or she submit the request directly to the appropriate District Counsel and clearly mark on each written communication that the information is subject to the attorney-client privilege. The material submitted with the request for representation must not be provided to anyone except legal counsel or the attorney-client privilege may be lost.

D. INDEMNIFICATION POLICY

An INS defendant employee may apply for indemnification upon the entry of an adverse verdict, judgment, or other monetary award. The indemnification policy of the Department of Justice is as follows:

- (1) The Department of Justice may indemnify the Department of Justice employee, for any verdict, judgment, or other monetary award which is rendered against such employee, provided that the conduct giving rise to the verdict, judgment, or award was taken within the scope of employment and that such indemnification is in the interest of the United States, as determined by the Attorney General or his or her designee.
- (2) The Department of Justice may settle or compromise a personal damages claim against a Department of Justice employee by the payment of available funds, at any time, provided the alleged conduct giving rise to the personal damages claim was taken within the scope of employment and that such settlement or compromise is in the interest of the United States, as determined by the Attorney General or his or her designee.
- (3) Absent exceptional circumstances as determined by the Attorney General or designee, the Department will not entertain a request either to agree to indemnify or to settle a personal damages claim before entry of award.
- (4) The Department of Justice employee may request indemnification to satisfy a verdict, judgment, or award entered against the employee. The employee shall submit a written request, with appropriate documentation including copies of the verdict, judgment, award, or settlement proposal, if on appeal, to the head of his or her employing component, who shall then submit to the appropriate Assistant Attorney General, in a timely manner, a recommended disposition of the request. Where appropriate, the Assistant Attorney General shall seek the views of the United States Attorney; in all such cases the Civil Division shall be consulted. The Assistant Attorney General shall forward the request, the employing component's recommendation, and the Assistant Attorney General's recommendation to the Attorney General for decision.
- (5) Any payment under this section either to indemnify a Department of Justice employee or to settle a personal damages claim shall be contingent upon the availability of appropriated funds of the employing component of the Department of Justice.

E. PROCEDURE FOR REQUESTING INDEMNIFICATION

As with requests for representation, requests for indemnification should be submitted to the office of the General Counsel. They may be transmitted through the Regional Counsel, with the District Counsel being the point of local contact. Pursuant to Department policy, this request can be made only after entry of a judgment against the officer.

NOTES

1. See 8 C.F.R. § 3.1(g).
2. United States v. Brignoni-Ponce, 422 U.S. 873 (1975).
3. 57 Fed. Reg. 47011 (October 14, 1992).
4. For an extensive and substantive discussion on criminal prosecutions of immigration violations, see THE UNITED STATES ATTORNEYS' MANUAL, title 9, chap. 73 (Oct. 1, 1988).
5. Zepeda v. INS, 753 F.2d 719 (9th Cir. 1985).
6. Carroll v. United States, 267 U.S. 132, 154 (1925).
7. Florida v. Bostwick, 111 S. Ct. 2382 (1991); INS v. Delgado, 466 U.S. 210, 215 (1984); Florida v. Royer, 460 U.S. 491, 497 (1983) (plurality opinion); United States v. Mendenhall, 446 U.S. 544 (1980); Terry v. Ohio, 392 U.S. 1, 19 n.16 (1968).
8. Delgado, 466 U.S. at 215; Royer, 460 U.S. at 497-98; Zepeda v. INS, 753 F.2d 719 (9th Cir. 1985); United States v. Alvarez-Sanchez, 774 F.2d 1036, 1040 (11th Cir. 1985); Cuevas-Ortega v. INS, 588 F.2d 1274, 1277 (9th Cir. 1979); Cordon de Ruano v. INS, 554 F.2d 944, 946 (9th Cir. 1977). But see La Duke v. Nelson, 762 F.2d 1318, 1329 (9th Cir. 1985) (holding that the actions of immigration officers in conducting a farm ranch check precluded a finding of voluntary consent).
9. Delgado, 466 U.S. at 215; Royer, 460 U.S. at 502; Mendenhall, 446 U.S. at 554.
10. Florida v. Bostwick, 111 S. Ct. 2382 (1991); Royer, 460 U.S. at 519 n.4.
11. United States v. Sokolow, 490 U.S. 1 (1989); Terry v. Ohio, 392 U.S. 1, 27 (1968); United States v. Sugrim, 732 F.2d 25, 28 (2d Cir. 1984); United States v. Reyes-Oropesa, 596 F.2d 399 (9th Cir. 1979).
12. United States v. Hensley, 469 U.S. 221 (1985); United States v. Cortez, 449 U.S. 411, 417 n.2 (1981).
13. United States v. Brignoni-Ponce, 422 U.S. 873, 884 (1975).
14. Michigan v. Long, 463 U.S. 1032, 1049-1050 (1983); Adams v. Williams, 407 U.S. 143, 146-47 (1972); Terry v. Ohio, 392 U.S. 1, 23-24 (1968).
15. Terry, 392 U.S. at 24.

16. *Alabama v. White*, 110 S. Ct. 2412, 2415-17 (1990); *United States v. Sharpe*, 470 U.S. 675 (1985); *United States v. Cortez*, 449 U.S. 411, 417 (1981); *United States v. Nargi*, 732 F.2d 1102, 1104 (2d Cir. 1984).
17. *White*, 110 S. Ct. at 2417; *Cortez*, 449 U.S. at 417; *Brignoni-Ponce*, 422 U.S. at 884.
18. *Brignoni-Ponce*, 422 U.S. at 884.
19. *Pennsylvania v. Mimms*, 434 U.S. 106 (1977); *United States v. Hensley*, 469 U.S. 221, 235 (1985).
20. *Berkemer v. McCarty*, 468 U.S. 420, 442 (1984).
21. *United States v. Rose*, 731 F.2d 1337, 1343 (8th Cir. 1984).
22. *Berkemer*, 468 U.S. at 437-38; *Oregon v. Mathiason*, 429 U.S. 492, 495 (1977); W. LAFAVE & J. ISRAEL, CRIMINAL PROCEDURE § 6.6(C) at 290 (Student ed. 1985).
23. *Min-Shay Hung v. United States*, 617 F.2d 201, 202 (10th Cir. 1980); *Avila-Gallegos v. INS*, 525 F.2d 666, 667 (2d Cir. 1975); *Ojeda-Vinales v. INS*, 523 F.2d 286 (2d Cir. 1975); *United States v. Cantu*, 519 F.2d 494, 496 (7th Cir.), *cert. denied*, 423 U.S. 1035 (1975); *Au Yi Lau v. INS*, 445 F.2d 217, 222 (D.C. Cir.), *cert. denied*, 404 U.S. 864 (1971).
24. *Yam Sang Kwai v. INS*, 411 F.2d 683 (D.C. Cir.), *cert. denied*, 396 U.S. 877 (1969); *Hon Keung Rung v. INS*, 356 F. Supp. 571, 576 (E.D. Mo. 1973).
25. *United States v. Garcia*, 616 F.2d 210 (5th Cir. 1980); *United States v. Hernandez-Rajas*, 470 F. Supp. 1212, 1220 (E.D.N.Y.), *aff'd*, 615 F.2d 1351 (2d Cir. 1979), *cert. denied*, 449 U.S. 864 (1980); *Au Yi Lau v. INS*, 445 F.2d at 223-224.
26. *Hernandez-Rojas*, 470 F. Supp. at 1220; *Cantu*, 519 F.2d at 496.
27. *Min-Shay Hung v. United States*, 617 F.2d 201, 202 (10th Cir. 1980); *Yiu Fong Cheung v. INS*, 418 F.2d 460 (D.C. Cir. 1969).
28. 8 C.F.R. § 287.3; 8 C.F.R. § 242.2(c)(2); *Navia-Duran v. INS*, 568 F.2d 803 (1st Cir. 1977).
29. 8 C.F.R. § 287.3.
30. *County of Riverside v. McLaughlin*, 111 S. Ct. 1661 (1991).
31. *Brower v. County of Inyo*, 489 U.S. 593 (1989).

32. *Graham v. Connor*, 490 U.S. 386 (1989).
33. *See* Border Patrol Handbook at 17-5 (Rev. 4/1/85).
34. *See* *Tennessee v. Garner*, 471 U.S. 1 (1985).
35. *See* BORDER PATROL HANDBOOK at 17-5 and 24-3.
36. *See* note 3, *supra*.
37. *Miranda v. Arizona*, 384 U.S. 436 (1966).
38. *Berkemer v. McCarty*, 468 U.S. 420 (1984); *United States v. Alvarado Garcia*, 781 F.2d 422 (5th Cir. 1986).
39. *See* *Berkemer*, 468 U.S. 420; *Chavez-Raya v. INS*, 519 F.2d 397 (7th Cir. 1975); *United States v. Mata-Abundiz*, 717 F.2d 1277 (9th Cir. 1983); *United States v. Henry*, 604 F.2d 908 (5th Cir. 1979) (requiring *Miranda* warnings).
40. *Beckwith v. United States*, 425 U.S. 341, 346-347 (1976).
41. *Henry*, 604 F.2d at 914.
42. *Mata-Abundiz*, 717 F.2d at 1279. *See generally* *Mathis v. United States*, 391 U.S. 1 (1968).
43. *Schmerber v. California*, 384 U.S. 757 (1966); *United States v. Wade*, 388 U.S. 218 (1967); *Gilbert v. California*, 388 U.S. 263 (1967).
44. *Minnick v. Mississippi*, 111 S. Ct. 486 (1990); *Michigan v. Harvey*, 494 U.S. 344 (1990); *Connecticut v. Barrett*, 479 U.S. 523, 528-29 (1987); *Smith v. Illinois*, 469 U.S. 91 (1984); *Oregon v. Bradshaw*, 462 U.S. 1039, 1044 (1983); *Edwards v. Arizona*, 451 U.S. 477, 484-85 (1981).
45. *Michigan v. Mosley*, 423 U.S. 96, 104 (1975).
46. *Amending* 18 U.S.C. §§ 3041, 3141-3143, 3146-3152, 3568.
47. 18 U.S.C. § 3144, *referencing* 18 U.S.C. § 3142.
48. 18 U.S.C. § 3142(b).
49. 18 U.S.C. § 3142(c).

50. 18 U.S.C. § 3144.
51. 18 U.S.C. § 3145.
52. *United States v. Valenzuela-Bernal*, 458 U.S. 858 (1982).
53. *Smith v. Maryland*, 442 U.S. 735, 739 (1979).
54. *Smith*, 442 U.S. at 740; *United States v. Katz*, 389 U.S. 347, 357 (1967).
55. *United States v. Leon*, 468 U.S. 325 (1984).
56. FED. R. CRIM. P. 41(c)(2); *United States v. Rome*, 809 F.2d 665 (10th Cir. 1987).
57. *Carroll v. United States*, 267 U.S. 132, 162 (1925); *Brinegar v. United States*, 165 F.2d 512, 514 (10th Cir. 1948), *aff'd*, 338 U.S. 160 (1949).
58. See *Illinois v. Gates*, 462 U.S. 213 (1983) (abandoning the "two-pronged test" established in *Aguilar and Spinelli* and reaffirming the totality of the circumstances analysis for probable cause determinations); see also *Aguilar v. Texas*, 378 U.S. 108 (1964); *Spinelli v. United States*, 393 U.S. 410 (1969).
59. *Gates*, 462 U.S. at 236; *United States v. Seybold*, 726 F.2d 502, 503 (9th Cir. 1984).
60. *United States v. Estrada*, 733 F.2d 683, 685 (9th Cir.), *cert. denied*, 105 S. Ct. 168 (1984).
61. *United States v. Alexander*, 761 F.2d 1294, 1300 (9th Cir. 1985); *United States v. Roberts*, 747 F.2d 537, 543 (9th Cir. 1984); *United States v. Gagnon*, 635 F.2d 766, 768 (10th Cir.), *cert. denied*, 451 U.S. 1018 (1981).
62. *Michigan v. Clifford*, 464 U.S. 287 (1984); *Michigan v. Tyler*, 436 U.S. 499 (1978).
63. *Blackie's House of Beef, Inc. v. Castillo*, 659 F.2d 1211 (D.C. Cir. 1981), *cert. denied*, 455 U.S. 940 (1982). See also *Marshall v. Horn Seed Co.*, 647 F.2d 96 (10th Cir. 1981).
64. *International Molders' and Allied Workers' Local Union No. 164 v. Nelson*, 799 F.2d 547 (9th Cir. 1986), *on remand*, 674 F. Supp. 294 (N.D. Cal. 1987). The warrants do not authorize seizure.
65. *Marshall v. Barlow's, Inc.*, 436 U.S. 307 (1978).
66. The leading case on factory surveys is *INS v. Delgado*, 466 U.S. 210 (1984); see also, *Kotler Industries v. INS*, 586 F. Supp. 72 (N.D. 111. 1984); *Babula v. INS*, 665 F.2d 293 (3d Cir.

- 1981); *Mendoza v. INS*, 559 F. Supp. 842 (W.D. Tex. 1982).
67. *Illinois Migrant Council v. Pilliod*, 531 F. Supp. 1011, 1022-23 (N.D. 111. 1982).
68. *Marshall v. Barlow's, Inc.*, 436 U.S. 307, 320-21 (1978).
69. *Barlow's*, 436 U.S. at 320, citing *Camara v. Municipal Court*, 387 U.S. 523 (1967).
70. See *In the Matter of Establishment Inspection of Gilbert & Bennett Manufacturing Co.*, 589 F.2d 1335 (7th Cir.), *cert. denied*, 444 U.S. 884 (1979).
71. *Stoddard Lumber Co. v. Marshall*, 627 F.2d 984 (9th Cir. 1980).
72. *Donovan v. Wollaston Alloys*, 695 F.2d 1 (1st Cir. 1983); *Stoddard Lumber Co. v. Marshall*, 627 F.2d 984 (9th Cir. 1980).
73. *Guerra v. Sutton*, 783 F.2d 1371, 1375 (9th Cir. 1986).
74. *Chimel v. California*, 395 U.S. 752, 763 (1969); *United States v. Chadwick*, 433 U.S. 1 (1977).
75. *United States v. Robinson*, 414 U.S. 218 (1973).
76. *Chimel*, 395 U.S. at 763.
77. *New York v. Belton*, 453 U.S. 454, 460 (1981).
78. *Michigan v. Long*, 463 U.S. 1032 (1983).
79. *Chimel*, 395 U.S. at 763; *Mapp v. Ohio*, 367 U.S. 643 (1961); *United States v. Jackson*, 576 F.2d 749 (8th Cir.), *cert. denied*, 439 U.S. 858 (1978).
80. *Maryland v. Buie*, 494 U.S. 325, 334-334 (1990).
81. *Agnello v. United States*, 269 U.S. 20 (1925); *James v. Louisiana*, 382 U.S. 26 (1965); *United States v. Anthon*, 648 F.2d 669, 675-76 (10th Cir. 1981).
82. *Schneekloth v. Bustamonte*, 412 U.S. 218, 226 (1973).
83. *Schneekloth*, 412 U.S. at 227; *United States v. Lopez*, 777 F.2d 543, 548 (10th Cir. 1985); *United States v. Ritter*, 752 F.2d 435 (9th Cir. 1985) (all holding consent to be voluntary). Compare *LaDuke v. Nelson*, 762 F.2d 1318, 1329 (9th Cir. 1985) (consent to search of migrant farm housing held not voluntary where INS officers failed to advise occupants of right to refuse consent; where occupants had inherent fear of uniformed officers and were of limited education and linguistic ability; and where searches occurred in early morning or late evening).

84. *Bumper v. North Carolina*, 391 U.S. 543 (1968); *LaDuke v. Nelson*, 762 F.2d at 1329.
85. *Commonwealth v. Angivoni*, 417 N.E.2d 422 (Mass. 1981); *LaDuke v. Nelson*, 762 F.2d at 1329.
86. *Higgins v. U.S.*, 209 F.2d 819, 820 (D.C. Cir. 1954); *LaDuke v. Nelson*, 762 F.2d at 1329.
87. *United States v. Watson*, 423 U.S. 411 (1976).
88. *United States v. Baggatts*, 646 F. Supp. 589, 591 (D.D.C. 1986).
89. *United States v. Ritter*, 752 F.2d 435 (9th Cir. 1985).
90. *United States v. Matlock*, 415 U.S. 164, 171 (1974).
91. *Illinois v. Rodriguez*, 497 U.S. 177 (1991).
92. *Florida v. Jimeno*, 111 S. Ct. 1801, 1805 (1991); *Illinois v. Rodriguez*, 497 U.S. at 183-189; *Florida v. Royer*, 460 U.S. 491, 501-502 (1983).
93. *Jimeno*, 111 S. Ct. at 1805-1806 (1991).
94. *Warden v. Hayden*, 387 U.S. 294 (1967).
95. *United States v. Gomez*, 652 F. Supp. 715, 718 (S.D.N.Y. 1987); *United States v. Echegoyen*, 799 F.2d 1271 (9th Cir. 1986); *Welsh v. Wisconsin*, 466 U.S. 740, 753 (1984) (no exigency where underlying DWI was a non-criminal traffic offense and suspect was off the road).
96. *Mincey v. Arizona*, 437 U.S. 385, 392-93 (1978).
97. *Warden v. Hayden*, 387 U.S. 294 (1967).
98. *Warden v. Hayden*, 387 U.S. at 298-99.
99. *United States v. Santana*, 427 U.S. 38 (1976).
100. *Santana*, 427 U.S. 38; *United States v. Varkonyi*, 645 F.2d 453 (5th Cir. 1981).
101. *Welsh v. Wisconsin*, 466 U.S. 740 (1984) (no hot pursuit where police entered suspect's home minutes after a witness had observed suspect in an apparently intoxicated condition fleeing from the scene of an accident, a civil offense); *United States v. Morgan*, 743 F.2d 1158 (6th Cir. 1984) (no hot pursuit where officers met at a local coffee shop and assessed the situation, waited for the arrival of the sheriff before proceeding to defendant's house).

102. *Maryland v. Macon*, 472 U.S. 463 (1985).
103. *Hester v. United States*, 265 U.S. 57, 59 (1924); *Oliver v. United States*, 466 U.S. 170 (1984).
104. *Harris v. United States*, 390 U.S. 234 (1968); *United States v. Miguel*, 340 F.2d 812 (2d Cir.), *cert. denied*, 382 U.S. 859 (1965).
105. *Bell v. Wolfish*, 441 U.S. 520 (1979).
106. *Hudson v. Palmer*, 468 U.S. 517 (1984).
107. *Block v. Rutherford*, 468 U.S. 576 (1984).
108. *Procunier v. Martinez*, 416 U.S. 396 (1974).
109. *Wolff v. McDonnell*, 418 U.S. 539 (1974).
110. *Wolff*, 418 U.S. at 576-577; *Taylor v. Sterrett*, 532 F.2d 462 (5th Cir. 1976).
111. *Wolff*, 418 U.S. 539 (1976).
112. *Procunier*, 416 U.S. at 413.
113. *Procunier*, 416 U.S. at 418-419.
114. *Daughtery v. Harris*, 476 F.2d 292 (10th Cir.), *cert. denied*, 414 U.S. 872 (1973).
115. *Flores v. Meese*, 681 F. Supp. 665 (C.D. Cal. 1988).
116. *United States v. Ramsey*, 431 U.S. 606, 621 (1977).
117. *Ramsey*, 431 U.S. at 616-619.
118. *Carroll v. United States*, 267 U.S. 132 (1925); *Boyd v. United States*, 116 U.S. 616 (1886).
119. Section 235 of the Act; 8 U.S.C. § 1225.
120. *Ramsey*, 431 U.S. at 616-619.

121. *United States v. Duncan*, 693 F.2d 971, 977 (9th Cir. 1982), *cert. denied*, 461 U.S. 961 (1983); *United States v. Ajlouny*, 629 F.2d 830, 834 (2d Cir. 1980), *cert. denied*, 449 U.S. 1111 (1981), *citing*, *California Bankers Ass'n v. Shultz*, 416 U.S. 21, 63 (1974) (*dicta* that "those entering and leaving the country may be examined as to their belongings and effects, all without violating the fourth amendment").

122. *United States v. Whiting*, 781 F.2d 692, 696 (9th Cir. 1986).

123. *Almeida-Sanchez v. United States*, 413 U.S. 266 (1973); *United States v. Charleus*, 871 F.2d 265 (2d Cir. 1989).

124. *United States v. Montoya de Hernandez*, 473 U.S. 531 (1985); *United States v. Oyekan*, 786 F.2d 832 (8th Cir. 1986); *United States v. Vega-Barvo*, 729 F.2d 1341 (11th Cir. 1984), *cert. denied* 469 U.S. 1088 (1984).

125. *United States v. Lincoln*, 494 F.2d 833 (9th Cir. 1974).

126. *United States v. Rogers*, 504 F.2d 1079 (5th Cir. 1974), *cert. denied*, 422 U.S. 1042 (1975).

127. *United States v. Alfonso*, 759 F.2d 728, 734 (9th Cir. 1985).

128. *United States v. Gaviria*, 805 F.2d 1108, 1112-14 (2d Cir. 1986) (customs); *United States v. Alfonso*, 759 F.2d 728, 734-35 (9th Cir. 1985); *United States v. Barbin*, 743 F.2d 256, 261 (5th Cir. 1984) (tire and trailer tracks established border crossing); *United States v. Jacobson*, 647 F.2d 990 (9th Cir. 1981); *United States v. Richards*, 638 F.2d 765, 771-772 (5th Cir. 1981); *United States v. Espericueta-Reyes*, 631 F.2d 616, 619-620 (9th Cir. 1980); *United States v. Bowman*, 502 F.2d 1215, 1219 (5th Cir. 1974); *Castillo-Garcia v. United States*, 424 F.2d 482 (9th Cir. 1970).

129. *United States v. Alfonso*, 759 F.2d 728, 734 (9th Cir. 1985).

130. *Castillo-Garcia v. United States*, 424 F.2d 482, 485 (9th Cir. 1970).

131. *United States v. Driscoll*, 632 F.2d 737, 739 (9th Cir. 1980).

132. *United States v. Hill*, 939 F.2d 93 (11th Cir. 1991).

133. *United States v. Ramsey*, 431 U.S. 606, 620 (1977); *United States v. Jackson*, 825 F.2d 853, 859 (5th Cir. 1987) (en banc); *see also* *United States v. Montoya de Hernandez*, 473 U.S. 531, 537-38 (1985).

134. *Carroll v. United States*, 267 U.S. 132 (1925); *Jackson*, 825 F.2d at 858.

135. *Jackson*, 825 F.2d at 860, 866 (holding Sierra Blanca checkpoint is not a "border equivalent checkpoint").

136. There are currently no permanent checkpoints judicially recognized as functional equivalents.

137. O.I. § 287.30

138. *United States v. Martinez-Fuerte*, 428 U.S. 543 (1976); *United States v. Gordo-Marin*, 497 F. Supp. 432 (S.D. Fla. 1980), *aff'd*, 659 F.2d 58 (5th Cir. 1981).

139. *United States v. Ortiz*, 422 U.S. 891 (1975).

140. *United States v. Faulkner*, 547 F.2d 870 (5th Cir. 1977) (nervousness of the driver); *United States v. Reyna*, 546 F.2d 103 (5th Cir. 1977) (nervousness of passengers coupled with suspicious story of misplaced trunk key).

141. *United States v. Kidd*, 540 F.2d 210 (5th Cir. 1976) (per curiam).

142. *Faulkner*, 547 F.2d 870.

143. *United States v. Gorthy*, 550 F.2d 1051 (5th Cir.), *cert. denied*, 434 U.S. 834 (1977); *United States v. Leal*, 547 F.2d 1222 (5th Cir. 1977) (per curiam).

144. *Martinez-Fuerte*, 428 U.S. at 556-560; *see also* *Michigan Dept. of State Police v. Sitz*, 444 U.S. 444 (1990).

145. BORDER PATROL HANDBOOK, Chapter 9; *Jasinski v. Adams*, 781 F.2d 843 (11th Cir. 1986); *see also* citations at notes 33 and 35 *supra*.

146. 422 U.S. 873 (1975).

147. The pursuit of a vehicle does not in and of itself constitute a seizure of the vehicle for fourth amendment purposes. *California v. Hodari*, 111 S.Ct. 1547 (1991) (chase of juvenile by officer did not constitute 'seizure' by officer); *Broyer v. County of Inyo*, 489 U.S. 593 (1989) (20 mile chase by police cars with flashing lights was not deemed to produce a seizure for fourth amendment purposes); *Michigan v. Chesternut*, 486 U.S. 567 (1988) (a brief acceleration to catch up with respondent followed by a short drive alongside him was not so intimidating that the respondent could reasonably be believed that he was not free to disregard the police presence).

148. *United States v. Franco-Munoz*, 952 F.2d 1055, 1057 (9th Cir. 1991) (vehicle stop supported by reasonable suspicion based on officers' experience with smugglers on particular highway, loaded appearance of vehicle, type of vehicle, driver's failure to acknowledge officers, and fact that driver was Hispanic male); *United States v. Lujan-Miranda*, 535 F.2d 327 (5th Cir.

1976); *United States v. De Witt*, 569 F.2d 1338 (5th Cir. 1978) (stop occurred near checkpoint where aliens stopped to see if checkpoint was operating). *But see* *United States v. Rodriguez*, 976 F.2d 592, 594-96 (9th Cir. 1992) (holding invalid a vehicle stop based on profile similar to that in *Franco-Munoz*).

149. Compare *Franco-Munoz*, 952 F.2d at 1057 with *Rodriguez*, 976 F.2d at 595; *see also* *United States v. Barnard*, 553 F.2d 389 (5th Cir. 1977); *United States v. Payne*, 555 F.2d 475 (5th Cir. 1977). *Cf.* *United States v. Lopez*, 564 F.2d 710 (5th Cir. 1977) (failure to make eye contact does not support reasonable suspicion).

150. *Barnard*, 553 F.2d 389; *Payne*, 555 F.2d 475.

151. Compare *Franco-Munoz*, 952 F.2d at 1057 with *Rodriguez*, 976 F.2d at 595-596.

152. *United States v. Cortez*, 449 U.S. 411 (1981).

153. *Cortez*, 449 U.S. 411.

154. *Pennsylvania v. Mimms*, 434 U.S. 106 (1977); *United States v. Hensley*, 469 U.S. 221 (1985).

155. *See* *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973).

156. *United States v. Taylor*, 934 F.2d 218 (9th Cir. 1991); *United States v. Morales-Zamora*, 914 F.2d 200 (10th Cir. 1990).

157. *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975); *Nicacio v. INS*, 797 F.2d 700 (9th Cir. 1985).

158. *Colorado v. Bertine*, 428 U.S. 364 (1976); *Illinois v. Lafayette*, 462 U.S. 640 (1983).

159. *South Dakota v. Opperman*, 428 U.S. 364 (1976) (establishing that the inventory search constitutes a well-defined exception to the warrant requirement).

160. *Opperman*, 428 U.S. 364.

161. *Florida v. Wells*, 495 U.S. 1 (1990); *Colorado v. Bertine*, 479 U.S. 367 (1987); *Illinois v. Lafayette*, 462 U.S. at 648; *United States v. Andrade*, 784 F.2d 1431 (9th Cir. 1986); *United States v. Rabenberg*, 766 F.2d 355 (8th Cir. 1985); *United States v. Griffin*, 729 F.2d 475 (7th Cir.) *cert. denied*, 469 U.S. 830 (1984).

162. *Mincey v. Arizona*, 437 U.S. 385, 390 (1978)

163. *United States v. Ross*, 456 U.S. 798 (1982) (upholding search of paper bag containing drugs); *Carroll v. United States*, 267 U.S. 132, 158-59 (1925) (upholding search in car upholstery for contraband whiskey).

164. *Carroll v. United States*, 267 U.S. 132 (1925); *California v. Acevedo*, 111 S. Ct. 1982 (1991) (overruling *United States v. Chadwick*, 433 U.S. 1 (1977), which involved the search of a double locked footlocker contained within the trunk of a car).

165. *California v. Acevedo*, 111 S. Ct. 1982 (1991) (overruling *Arkansas v. Sanders*, 442 U.S. 753 (1979) and *United States v. Chadwick*, 433 U.S. 1 (1977)).

166. *Acevedo*, 111 S. Ct. at 1988.

167. *Florida v. Wells*, 495 U.S. 1 (1990); *United States v. Ross*, 456 U.S. 798 (1982); *United States v. Johns*, 469 U.S. 478 (1985).

168. *United States v. McGuire*, 957 F.2d 310 (7th Cir. 1992).

169. *Acevedo*, 111 S. Ct. at 1988; *Ross*, 456 U.S. 798.

170. *Horton v. California*, 110 S. Ct. 2301 (1990) (eliminating requirement that the evidence be discovered 'inadvertently' by the officer).

171. *Coolidge v. New Hampshire*, 403 U.S. 443 (1971); *Hester v. United States*, 265 U.S. 57 (1924) (open fields doctrine); *United States v. McMillon*, 350 F. Supp. 593 (D.D.C. 1972); *United States v. Fisch*, 474 F.2d 1071 (9th Cir. 1973) ("plain hearing" case wherein officers rented connecting hotel room to suspects, listened at connecting door and overheard information respecting narcotics conspiracy); *Texas v. Brown*, 460 U.S. 730 (1983) (after making a routine stop at a driver's license checkpoint, officer saw in driver's hand an opaque party balloon and in the glove compartment plastic vials, loose white powder, and extra balloons; plain view doctrine applied).

172. *United States v. Ventresca*, 380 U.S. 102 (1965) (officers smelled fermenting mash from suspected dwelling); *United States v. Johnston*, 497 F.2d 397 (9th Cir. 1974) (odor from suitcase); *United States v. Pierre*, 932 F.2d 377 (5th Cir. 1991).

173. Compare *Hernandez v. United States*, 353 F.2d 634 (9th Cir. 1966) (disallowing squeezing), with *United States v. Lovell*, 849 F.2d 910 (5th Cir. 1988); *United States v. Hahn*, 849 F.2d 932 (5th Cir. 1988).

174. *United States v. Lee*, 274 U.S. 559 (1927) (Coast Guard used search light); *On Lee v. United States*, 343 U.S. 747 (1952) (use of bifocals, field glasses, or telescope to magnify an object not forbidden); *Dow Chemical Co. v. United States*, 476 U.S. 227 (1986) (\$22,000 aerial

mapping camera to view commercial premises upheld); *Florida v. Riley*, 488 U.S. 445 (1989) (helicopter observation into defendant's residential greenhouse from 400 feet above ground fell within plain view doctrine).

175. *United States v. Kim*, 415 F. Supp. 1252 (D. Haw. 1976) (800 millimeter telescope with a 60 millimeter opening to view inside suspect's apartment violated fourth amendment where enhanced to point could see what suspect was reading 1/4 mile away).

176. *Coolidge v. New Hampshire*, 403 U.S. 443 (1971); *Taylor v. United States*, 286 U.S. 1 (1932) (where police, standing where they had a right to be, saw contraband in open view in a garage by looking through a small opening, their warrantless entry to seize the contraband was unconstitutional; the information gained from the lawful view could have been used to obtain a search warrant).

177. *Cupp v. Murphy*, 412 U.S. 291 (1973).

178. *Oliver v. United States*, 466 U.S. 170 (1984); *Hester v. United States*, 265 U.S. 57 (1924).

179. *United States v. Dunn*, 480 U.S. 294 (1987).

180. *Id.*

181. *Oliver v. United States*, 466 U.S. 170 (1984).

182. Section 287(c) of the Act, 8 U.S.C. § 1357(c).

183. Section 287(d) of the Act, 8 U.S.C. § 1357(d).

184. *United States v. Jacobson*, 466 U.S. 109 (1984); *United States v. Place*, 462 U.S. 696 (1983); *United States v. Beale*, 736 F.2d 1289 (9th Cir.), *cert. denied*, 496 U.S. 1072 (1984).

185. *Horton v. Goose Creek Ind. School District*, 690 F.2d 470 (5th Cir. 1982), *cert. denied*, 463 U.S. 1207 (1983); *United States v. Massac*, 867 F.2d 174 (3d Cir. 1989); *United States v. Lovell*, 849 F.2d 910 (5th Cir. 1988) (brief detention of luggage in custody of third party carrier to sniff for narcotics was not a search for fourth amendment purposes); *United States v. Gutierrez*, 849 F.2d 940 (5th Cir. 1988). *But see* *United States v. Cagle*, 849 F.2d 924 (5th Cir. 1988) (prolonged detention of defendant's suitcase constituted a seizure which exceeded limits of investigatory detention and could only be based upon probable cause).

186. *United States v. Taylor*, 934 F.2d 218 (9th Cir. 1991); *United States v. Morales-Zamora*, 914 F.2d 200 (10th Cir. 1990).

187. *United States v. Tartaglia*, 864 F.2d 837 (D.C. Cir. 1989); *United States v. Stone*, 866 F.2d 359 (10th Cir. 1989); *United States v. Hardy*, 855 F.2d 359 (10th Cir. 1989); *United States v. DiCesare*, 765 F.2d 890 (9th Cir.), *amended*, T11 F.2d 543 (9th Cir. 1985).

188. *United States v. Place*, 462 U.S. 696 (1983); *United States v. Lovell*, 849 F.2d 910 (5th Cir. 1988); *United States v. Attard*, 796 F.2d 257 (9th Cir. 1986); *United States v. McCranie*, 703 F.2d 1213 (10th Cir.), *cert. denied*, 464 U.S. 922 (1983) (airport); *United States v. Goldstein*, 635 F.2d 356 (5th Cir.), *cert. denied*, 452 U.S. 962 (1981) (luggage in custody of common carrier).

189. *Horton*, 690 F.2d at 481; *Jones v. Latexo Schools*, 499 F. Supp. 223 (E.D. Tex. 1980). *But see* *Doc v. Renfrow*, 475 F. Supp. 1012 (N.D. Ind. 1979), *aff'd in part*, 631 F.2d 91 (7th Cir. 1980), *cert. denied*, 451 U.S. 1022 (1982).

190. *United States v. Thomas*, 757 F.2d 1359 (2d Cir. 1985), *cert. denied*, 474 U.S. 819 (1986); *accord*, *United States v. Dicesare*, 765 F.2d 890 (9th Cir. 1985). *But see* *United States v. Solis*, 536 F.2d 880 (9th Cir. 1976) (canine sniff outside a mobile home in a public place where founded suspicion preceded use of dog held to be reasonable).

191. *United States v. Erwin*, 803 F.2d 1505 (9th Cir. 1986); *United States v. Attardi*, 796 F.2d 257 (9th Cir. 1986); *United States v. McCranie*, 703 F.2d 1213 (10th Cir.), *cert. denied*, 464 U.S. 922 (1983).

192. *United States v. Massac*, 867 F.2d 174 (3d Cir. 1989); *Erwin*, 803 F.2d 1505; *McCranie*, 703 F.2d 1213; *Horton*, 690 F.2d 470.

193. *United States v. Katz*, 389 U.S. 347 (1967); *United States v. Goldstein*, 635 F.2d 356 (5th Cir.), *cert. denied*, 452 U.S. 962 (1981); *United States v. Bronstein*, 521 F.2d 459 (2d Cir. 1975), *cert. denied*, 424 U.S. 918 (1976); *see also* *United States v. Whitehead*, 849 F.2d 849 (4th Cir. 1988) (finding that trains, like cars, have the same type of mobility and potential for flight from the jurisdiction justifying an exception to the warrant requirement); *accord*, *United States v. Trayner*, 701 F. Supp. 250 (D.D.C. 1988); *United States v. Liberto*, 660 F. Supp. 889 (D.D.C. 1987), *aff'd*, 838 F.2d 571 (D.C. Cir. 1988).

194. *See* 8 C.F.R. § 287.4(a) for the list of INS officers authorized to issue subpoenas.

195. *See v. City of Seattle*, 387 U.S. 541, 544 (1967); *Donovan v. Lone Steer, Inc.*, 464 U.S. 408, 415 (1984).

196. The Guidelines refer to regional commissioners. As these positions no longer exist, operational units should contact the appropriate headquarters component for further direction.

197. Sections 245A(c)(5) and 210(b)(6) of the Act.

198. Section 274A(b)(5) of the Act.
199. 8 C.F.R. § 242.2(a).
200. 8 C.F.R. § 242.2(a)(3).
201. 8 C.F.R. § 242.2(a)(4).
202. *Cf.* United States v. Leon, 468 U.S. 897 (1984) (when officer acts in good faith belief that warrant was issued by magistrate but warrant was in fact defective, and action of officer is objectively reasonable, evidence seized may be admissible).
203. INS v. Lopez-Mendoza, 468 U.S. 1032 (1984).
204. Matter of Toro, 17 I&N Dec. 340 (BIA 1980).
205. Wong Sun v. United States, 371 U.S. 471 (1963).
206. United States v. Leon, 468 U.S. 897 (1984).
207. 403 U.S. 388 (1971).
208. Harlow v. Fitzgerald, 457 U.S. 800 (1982); Butz v. Economou, 438 U.S. 478 (1978).
209. Harlow v. Fitzgerald, 457 U.S. 800 (1982).
210. 51 Fed. Reg. 27021 (July 29, 1986).
211. 28 U.S.C. § 1679(b)(1).
212. 28 U.S.C. § 1346(b), 2680(h) (1982).
213. United States v. Gilman, 347 U.S. 507 (1954).
214. Pennington v. United States, 406 F. Supp. 850 (E.D.N.Y. 1976).
215. See 28 C.F.R. § 50.15 *et seq.*
216. 28 C.F.R. § 50.15(a)(4) and (b).
217. 28 C.F.R. § 50.15(a)(4)-(6).
218. 28 C.F.R. § 50.15(a)(6).
219. 28 C.F.R. § 50.15(a)(3).



U.S. Immigration and Customs Enforcement

287 OVERVIEW



U.S. Immigration
and Customs
Enforcement

INA 287 Authority Overview
Spring 2008 (DOTTP)

Introduction

- Lesson Plan Overview
- What is your Authority to act?
 - Statutes
 - Regulations
 - Implied authority
- Immigration Law Handbook



Field Performance Objective

Given a simulated field situation involving the exercise of power by Deportation Officers, the student will demonstrate knowledge of the authorities bestowed to Deportation Officers according to INA 287 and 8 CFR 287.5.



**U.S. Immigration
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Enforcement**

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Interim Performance Objectives

- 1. Identify the three categories of law enforcement encounters with the public.**
- 2. Define seizure of a person.**
- 3. Define detention.**
- 4. Define arrest.**
- 5. Identify the degrees of proof required for mere suspicion, reasonable suspicion, and probable cause.**
- 6. Identify factors that establish reasonable suspicion.**



Interim Performance Objectives

- 7. Identify the source of ICE authority to execute arrests, and the forms utilized in connection with such.**
- 8. Identify time frames of validity incident to custody and removal.**
- 9. Identify the authorities conferred by Section 287 of the Immigration and Nationality Act (INA).**
- 10. Identify the authorities conferred by 8 C.F.R. 287.5 regarding exercise of power by Immigration Officers.**
- 11. Identify positions authorized to exercise specific powers conferred within 8 C.F.R. 287.5**



Your Mission – Find and Remove Aliens Who Make it to the Interior of the USA



U.S. Immigration
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Your Mission – Remove Lawfully Admitted Aliens Who Break the Rules!



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Your Critical Mission – Eradicate Threats to Homeland Security!



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287 Authority is delegated to Immigration Officers. Are you an Immigration Officer?

- INA § 101(a)(18)
- 8 CFR § 103.1(b)
- INA § 103: powers & duties of the Secretary



Sources of Authority

To perform immigration officer duties:

- International Law [sovereign powers]
- The Constitution of the United States
- The Immigration and Nationality Act
- Title 8 of the Code of Federal Regulations
- Federal Courts



Sources of Authority

To perform immigration officer duties:

→ Board of Immigration Appeals

→ DHS/ICE Delegations:

→ DHS Delegation Number 7030.1

→ DHS Delegation Number 7030.2

→ ICE Delegation Number 0001

→ OI/DRO Organizational Delegation Orders

→ Directives and Policy Memorandum



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and Customs
Enforcement

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PRINCIPLE LEVELS OF ENCOUNTER

In order to properly enforce the elements of INA § 287(a) (stop, detain, arrest), it is important for the officer to know the different ways of encountering an individual. There are 3 principle levels of encounter that officers face with the public at places other than at the border:

- Consensual encounter
- Investigative stops
- Arrests

Officers should always identify themselves as law enforcement



U.S. Immigration
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Enforcement

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FIRST LEVEL OF ENCOUNTER

Consensual Encounter

- Individual is free to walk away from and decline to speak to the Officer
- Questions can be asked as long as the officer does not physically or constructively impede the person's freedom of movement
- Address questions to promote cooperation



SECOND LEVEL OF ENCOUNTER

Investigative Stops

- ◆ Occurs when person is “seized” or “stopped” – and reasonable person would believe that he was not free to leave
- ◆ Must have “reasonable suspicion” based on “articulable facts” that person is engaged in (or attempting) a criminal or administrative offense
- ◆ Length of the stop should be limited



THIRD LEVEL OF ENCOUNTER

Arrest

- Under same facts, a reasonable person would believe he is in custody
- Probable cause is required
- Warrantless okay with consent *or* exigent circumstances
- Simultaneous Arrests of criminal/admin or regulatory violations or offenses
- Criminal arrest priority/no misuse of admin



4th Amendment Terms Defined

Seizure

- When an officer uses physical force, or a show of authority, which causes a person to submit to that force or authority.

Detention

- Brief, temporary stop as part of an investigation for the purpose of limited inquiry into possible criminal activity or an administrative violation of the INA.

Arrest

- Officially taking a person into custody to have him answer to criminal or administrative charges.



4th Amendment Degrees of Proof

Mere Suspicion

- ➔ Lowest degree of proof; can be equated to a hunch or gut feeling. Not enough to justify a detention or arrest. Try consensual encounter?

Reasonable Suspicion

- ➔ Specific articulable facts that cause suspicion by reasonable and rational inference that an event has, is, or will occur.

Probable Cause

- ➔ Information that a reasonable person would deduce that an offense [criminal or administrative] has been or is being committed, and a specific person either committed or is committing the offense.



ESTABLISHING REASONABLE SUSPICION

Factors

- ◆ Suspect's reputation
- ◆ Report of recent crime in area
- ◆ Time of day
- ◆ Location
- ◆ Prior information
- ◆ Suspicious or unusual conduct
consistent with various types of
crime
- ◆ Officer expertise and experience
- ◆ Officer observations



U.S. Immigration
and Customs
Enforcement

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ARRESTING AN “ILLEGAL” ALIEN

With a Warrant

- Form I-200. See INA 236(a) as implemented in 8 C.F.R. 236.1(b)(1)
- Probable cause is required.
- The rule on authority to issue a warrant found in 8 C.F.R. 287.5(e)(2)
- The rule on authority to serve a warrant found in 8 C.F.R. 287.5(e)(3)
- Properly follow post-arrest procedures!



U.S. Immigration
and Customs
Enforcement

INA 287 Authority Overview
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ARRESTING AN “ILLEGAL” ALIEN

Without a Warrant

- See INA 287(a)(2)
- Probable cause is required.
- The rule on exercise of this authority is found in 8 C.F.R. 287.5(c)(1)
- Properly follow post-arrest procedures!



U.S. Immigration
and Customs
Enforcement

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Aliens detained for Section 240 proceedings will appear before an Immigration Judge on a Form I-862 - Notice to Appear (NTA). Knowing what you must prove in court will help you process the case properly.



**U.S. Immigration
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Enforcement**

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Burden of Proof Under INA § 212(a) ?

For those Present Without Inspection and Parolees

- Government must first prove alienage
- Then, alien must prove prior lawful admission by “clear and convincing” evidence, or
- In the absence of a prior admission, the alien must then prove he is “clearly and beyond a doubt” entitled to admission and is not inadmissible as charged.



Burden of Proof Under INA § 237(a) ?

For lawfully admitted aliens

- Government must prove by “clear and convincing evidence” that he is deportable as charged.



“Clear and Convincing Evidence”

The Supreme Court has stated that the “clear and convincing” standard lies between a preponderance of the evidence and proof beyond a reasonable doubt. [See, Addington v. Texas, 441 U.S. 418, 425 (1979)].



U.S. Immigration
and Customs
Enforcement

INA 287 Authority Overview
Spring 2008 (DOTTP)

“What Evidence Will Get the Job Done?”

Some examples include but are not limited to:

- statements from the alien that they were born in another country [recorded on the I-213]
- foreign birth certificates
- an aliens admission regarding foreign birth before the immigration judge
- certified conviction records showing the alien was convicted of a crime that would render them removable under INA 212 or 237.



HOW DO WE DETERMINE WHO IS ILLEGALLY PRESENT?



U.S. Immigration
and Customs
Enforcement

INA 287 Authority Overview
Spring 2008 (DOTTP)

More Powers - INA § 287(a)(1)

Powers of immigration officers and employees.

- (a) Powers without warrant.** Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have *power without warrant--*
- (1)** to *interrogate* any alien or person believed to be an alien as to his right to be or to remain in the United States; . . .



U.S. Immigration
and Customs
Enforcement

INA 287 Authority Overview
Spring 2008 (DOTTP)

INA § 287(a)(1)

- **IMPLIED AUTHORITY** to **DETAIN** a person in order to **INTERROGATE** (elicit a statement against their interest)
- Permits a non-vehicular investigative stop
- Must have **REASONABLE SUSPICION** based on **ARTICULABLE FACTS** that the person is or may be an **ALIEN** (who you may then question to see if he is in the US legally/illegally).

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U.S. Immigration
and Customs
Enforcement

INA 287 Authority Overview
Spring 2008 (DOTTP)

INA § 287(a)(2) – arrest w/o warrant

Powers of immigration officers and employees. (a) Powers without warrant. Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have *power without warrant--*

(2) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of aliens, or to arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest, but the alien arrested shall be taken without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States;



INA § 287(a)(2)- administrative arrest authority

- Arrest alien without warrant if reason to believe (i.e. probable cause) for *administrative* violation related to the enforcement of the INA
- Designated Officers only [see list in 8 CFR]
- Post-arrest review by another Officer of the Service
- Arrest warrant needed absent exigent circumstances or when alien is not likely to abscond



INA § 287(a)(4) – criminal arrests related to INA

Powers of immigration officers and employees. (a) Powers without warrant. Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant--

(4) to make *arrests for felonies* which have been committed and which are cognizable under any law of the United States *regulating the admission, exclusion, expulsion, or removal of aliens*, if he has *reason to believe* that the person so arrested is guilty of such felony and if there is *likelihood of the person escaping* before a warrant can be obtained for his arrest, but the person arrested shall be taken without unnecessary delay before the nearest available officer empowered to commit persons charged with offenses against the laws of the United States;



INA § 287(a)(4)

- Arrest without warrant for *felony* violation related to enforcement of the INA
- Person arrested may be alien or U.S. citizen
- Designated Officers only [see list in 8 CFR]
- Miranda Warning must be given to individual
- Taken to U.S. Magistrate for review
- Arrest warrant needed absent exigent circumstances or when subject is not likely to abscond



IMPORTANT NOTE

- **8 USC 1324(c) says that the Attorney General has the authority to designate which immigration officers may make arrests for a violation of 8 USC 1324(a) - Bringing In and Harboring Certain Aliens (alien smuggling).**
- **Pursuant to 8 CFR § 287.5(c)(5) Immigration Enforcement Agents (IEAs) may not at the present time make arrests for violations of 8 USC 1324(a).**

This restriction is the result of a policy decision made when the IEA position was established. INA § 287(a)(4) authority cannot be used by an IEA to justify an arrest for a violation of 8 USC 1324(a). A related restriction of authority is found in 8 CFR § 287.5(e)(3) where the Attorney General has given IEAs the authority to serve warrants of arrest for administrative immigration violations only, and not immigration related criminal arrest warrants.



INA § 287(a)(5) – general arrest authority (federal crimes)

Powers of immigration officers and employees. (a) Powers without warrant. Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant--

(5) to make arrests--(A) for *any offense against the United States*, if the offense is *committed in the officer's or employee's presence*, or

if the officer or employee has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony, if the officer or employee is performing duties relating to the enforcement of the immigration laws at the time of the arrest and if there is a likelihood of the person escaping before a warrant can be obtained for his arrest.



INA § 287(a)(5)

- Arrest without warrant for any offense against the United States committed in the Officer's presence
- Reasonable grounds (i.e. probable cause) that person to be arrested has committed or is committing such offense
- While the Officer is performing duties related to enforcement of immigration laws
- Likelihood person will abscond before arrest warrant can be obtained
- Miranda Warning must be given
- Designated Officers only/General Arrest Training required [see 8 CFR]
-



INA § 287(a)(3) – w/o warrant

Powers of immigration officers and employees. (a) Powers without warrant. Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have *power without warrant*--

(3) within a reasonable distance from any external boundary of the United States, *to board and search for aliens any vessel within the territorial waters* of the United States and *any railway car, aircraft, conveyance, or vehicle*, and within a distance of *twenty-five miles* from any such external boundary to have *access to private lands, but not dwellings*, for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States;



INA § 287(a)(3)

- Board and search for aliens without warrant within a “reasonable distance” [see 8 CFR 287.1(a)(2)] from the border
- Designated Officers only (Border Patrol Agents, Special Agents, and “Immigration Inspectors” [read Customs and Border Protection Officers] at seaports only)
- >1 articulable fact to stop. OK to ask persons about citizenship and immigration status, BUT w/o consent you need probable cause to search any vehicle
- Patrolling the Border means authority to enter onto private lands but not dwellings within 25 miles of the border. [do not forget INA 287(e) prohibitions]



INA § 287(b)

Powers of immigration officers and employees.

(b) Administration of oath; taking of evidence.

Any officer or employee of the Service . . . shall have power and authority to *administer oaths* and to take and consider evidence concerning the privilege of *any person* to enter, reenter, pass through, or reside in the United States, or *concerning any matter which is material or relevant to the enforcement of this chapter* and the administration of the Service . . .



INA § 287(b)

- Take oaths and consider evidence from any person (includes USC)
- About the privilege of any person to enter, re-enter, pass through or reside in the U.S. AND any matter which is material or relevant to the enforcement of the INA
- Differs from both 235(a)(5) and 235(d)(3)
- Includes criminal charge for perjury under 18 USC 1621.

Authority available to all Immigration Officers

Warning/Reminder: Ask only MATERIAL and RELEVANT questions !



U.S. Immigration
and Customs
Enforcement

INA 287 Authority Overview
Spring 2008 (DOTTP)

INA § 287(e)

Notwithstanding any other provision of this section other than paragraph (3) of subsection (a) of this section, Powers of immigration officers and employees.

(e) Restriction on warrantless entry in case of outdoor agricultural operations an *officer* or employee of the Service *may not enter without the consent of the owner* (or agent thereof) or a properly executed *warrant* onto the premises of a *farm or other outdoor agricultural operation* for the purpose of interrogating a person believed to be an alien as to the person's right to be or to remain in the United States.



INA § 287(c)

Powers of immigration officers and employees.

(c) Search without warrant.

Any *officer* or employee of the Service *authorized and designated* under *regulations* prescribed by the Attorney General, whether individually or as one of a class, *shall have power to conduct a search, without warrant*, of the person, and of the personal effects in the possession of any person *seeking admission* to the United States, concerning whom such officer or employee may have *reasonable cause to suspect that grounds exist for denial of admission* to the United States under this chapter which would be disclosed by such search.



INA § 287(c)

- Search an alien and his personal effects without a warrant
- Person must be an applicant for admission to the United States
- Immigration Officer must believe ground(s) of inadmissibility will be disclosed by search
- Cannot use this authority to search USC's
- See, 8 C.F.R. 287.5(d) for those authorized... though keep in mind that CBP's primary mission is border enforcement



INA § 287(c)

→ Can search at border or at functional equivalent of border (location acts as a border, i.e. airports) when:

- Reasonable certainty object of search just crossed the border
- Search at first practical point
- No time or opportunity for object of search to have changed materially since crossing

→ *International airports are functional equivalents of the border*



INA § 287(f)

- Under regulations of the Attorney General, the Commissioner *[old INS term]* shall provide for the fingerprinting and photographing of each alien 14 years of age or older against whom a proceeding is commenced under section 240
- *Such fingerprints and photographs shall be made available to Federal, State, and local law enforcement agencies upon request.*



THE END



U.S. Immigration
and Customs
Enforcement

INA 287 Authority Overview
Spring 2008 (DOTTP)

Lesson Plan Overview

Course	287 Overview
Course Description	This course provides an overview regarding the authorities and responsibilities of Deportation Officers as discussed in INA 287 and 8 C.F.R. 287.
Field Performance Objective	Given a simulated field situation involving the exercise of power by Deportation Officers, the student will demonstrate knowledge of the authorities bestowed upon Deportation Officers pursuant to INA 287 and 8 C.F.R. 287.5.
Interim Performance Objectives	1. Identify the three categories of law enforcement encounters with the public. 2. Define a seizure of a person. 3. Define detention. 4. Define arrest. 5. Identify the degrees of proof required for mere suspicion, reasonable suspicion, and probable cause. 6. Identify factors that establish reasonable suspicion. 7. Identify the source of ICE authority to execute arrests, and the forms utilized in connection with such. 8. Identify time frames of validity incident to custody and removal. 9. Identify the authorities conferred by Section 287 of the Immigration and Nationality Act (INA). 10. Identify the authorities conferred by 8 C.F.R. 287.5 regarding exercise of power by Immigration Officers. 11. Identify positions authorized to exercise specific powers conferred within 8 C.F.R. 287.5
Instructional Methods	Lecture, class discussion
Time	2 hours
Training Aids	Participant Workbook, Powerpoint
Method of Evaluation	Class Discussion
Student Materials	Participant Workbook

I. Introduction	
A. Purpose of Course	
As a Deportation Officer, you are empowered with certain authorities conferred through INA 287 and 8 C.F.R. 287. The authorities specified within these sections of law and regulation provide the Deportation Officer with a framework in which to operate during the performance of official duties day-to-day. It is imperative that the Deportation Officer both understands and properly exercises these authorities.	In addition to the law and regulation there are other key sources that one must consult to ensure lawful performance of duty. They include: 1. DHS/ICE Delegations: • DIIS Delegation Number 7030.1 • DHS Delegation Number 7030.2 • ICE Delegation Number 0001 • OI/DRO Organizational Delegation Orders 2. DHS/ICE Directives and Policy Memorandum
II. Encountering Aliens	
A. Law Enforcement encounters with private individuals can be divided into 3 categories: consensual encounters, investigatory stops, and arrests.	
1. The first, and least intrusive, type of encounter occurs when an officer merely approaches an individual in public, <u>normally</u> identifying himself, and asks if he is willing to answer a question. Because the encounter is in a public place and is voluntary, it does not constitute a “seizure” within the meaning of the Fourth Amendment. This type of questioning does not require probable cause, or a warrant. It does not require reasonable suspicion. A reasonable person, in the same or similar circumstances, would understand that he could refuse to cooperate and immediately depart the area. A consensual encounter is transformed into a seizure when, considering all circumstances, the reasonable person would believe he is	The Fourth Amendment is not implicated when officers merely approach and question a person, as long as the encounter is consensual in nature and does not involve coercion or the restraint of liberty. [See, U.S. v. Jones, 990 F. 2d 405 (8th Cir. 1993)]

no longer free to leave. Circumstances that might lead to a seizure, even where the person has not attempted to leave, would be the threatening presence of several officers, the display of a weapon by an officer, physical contact of the person by the officer, or the use of language or tone of voice indicating the officer's request may be compelling. A finding that a transition from a non-seizure to a "seizure" has occurred would be based on the totality of the circumstances, as seen through the eyes of a reasonable person.	
2. The second type of encounter is when the officer may justifiably restrain an individual for a brief investigatory inquiry because he has "reasonable suspicion" based on articulable facts that the person has committed or is about to commit a crime, or in the case of certain Immigration Officers, that the person has committed, or is about to commit an administrative violation of the INA. [Detention and interrogation pursuant to INA 287(a)(1) will be discussed below.] Individuals may be detained for a period of time where officers are proceeding reasonably to dispel or confirm their suspicions. This type of encounter does not require probable cause, or a warrant. Often this situation stems from a consensual encounter, but, unlike the consensual encounter, the officer must <u>always</u> identify himself to detain an individual for further investigation. <u>General Note:</u> With regard to interrogation for the purposes of determining alienage, the plain language of INA 287(a)(1) and 8 C.F.R 287.5(a)(1) combined provide that any immigration officer [as defined in 8 C.F.R 103.1(b)] may interrogate any alien or person believed to be an alien as to his or her right to be or remain in the United States. The courts have found that there exists an implied authority to detain or restrain an individual for the status interrogation. This authority is discussed in greater detail later in this workbook, and special attention must be paid to the particulars of Federal circuit court rulings and ICE policy pronouncements.	A stop for investigatory purposes must be limited: it must be temporary and last no longer than necessary to effect the progress of the stop. An investigatory stop, which lasts too long turns into a "defacto" arrest, but no bright line, exists determining when this occurs. There is no hard and fast limit on the permissible length of an investigative detention. Rather, the test is whether the detention is temporary and whether the police acted with dispatch to quickly confirm or dispel the suspicions that initially induced the investigative detention. For example, fixed checkpoints by the police or roadside detentions are not arrests. They are presumptively temporary and brief. Similarly, when a person is merely approached by a police officer and questioned about his or her identity and actions, this is only an accosting, not an arrest. While a "seizure" in the constitutional sense occurs when a police officer stops and frisks a citizen, such an encounter—commonly called a "Terry stop" does not constitute an arrest. [See, 5 Am. Jur. 2d Arrest § 5] Pat down/frisk for weapons okay to ensure officer safety

3. The third type of encounter is an arrest, which must be based on probable cause. <i>Probable cause is an absolute prerequisite for both criminal and administrative arrests.</i> A warrant should be obtained unless the ICE officer has reason to believe that the person is likely to escape before a warrant can be obtained [e.g., an alien present in the US in violation of the INA with few ties to the community].	
B. Definitions	
1. “Seizure” of a person A person is seized if an officer uses physical force, or a show of authority, which causes a person to submit to that force or authority.	
2. Detention (Investigative Stop) brief, temporary stop as part of an investigation for the purpose of limited inquiry into possible criminal activity or an administrative violation of the INA. As discussed above, detention is also authorized in the execution of the authority under INA 287(a)(1). In all cases, reasonable suspicion is required.	
3. Arrest—officially taking a person into custody to have him answer to criminal or administrative charges. In either case it will require probable cause.	236(a) INA 287(a)(2) INA 287(a)(4) INA 287(a)(5) INA
C. Degrees of Proof	
1. Mere Suspicion—lowest degree of proof; can be equated to a hunch or gut feeling. It is not what some would refer to as a “wild haired” guess! This level does not allow the officer to take any forcible action against the person. An officer cannot stop, detain, or arrest based on mere suspicion, though the mere suspicion may prompt the officer to engage the subject in a consensual encounter.	
2. Reasonable Suspicion—specific articulable facts that cause suspicion by reasonable and rational inference that an event has, is, or will occur.	Required for investigative stops
3. Probable Cause—Information that a reasonable person would deduce that a crime has been or is being committed, and a specific person either committed or is committing	Required for all arrests

the crime; or in the case of a violation of INA 212 or INA 237, that a violation has been or is being committed, and a specific alien either committed or is committing the violation.	
4. Preponderance of Evidence—civil trial standard; more evidence for than against—51% or more.	
5. Beyond a Reasonable Doubt—criminal trial standard; any other reasonable hypothesis other than guilt is precluded.	
D. Reasonable Suspicion is established through the following factors:	
1. Suspect's reputation	
2. Report of recent crime in area	
3. Time of day	
4. Location	
5. Suspicious or unusual conduct consistent with various types of crime	
6. Prior information	
7. Individual's behavior upon seeing a Law Enforcement Officer (not sufficient as the sole factor)	<i>Illinois v. Wardlow</i> , 528 U.S. 119 (2000) states that unprovoked flight by a suspect <u>from a high crime area</u> was sufficient to create "reasonable suspicion."
8. Officer expertise and experience	
9. Officer observations "Racial profiling" at its core concerns the invidious use of race or ethnicity as a criterion in conducting stops, searches, and other law enforcement	

investigative procedures. It is not merely wrong, but also ineffective. You may not use race or ethnicity as a selection criterion for an investigative stop unless you have received specific information that a suspect is of a certain race. [See, "Department of Homeland Security's Commitment to Race Neutrality in Law Enforcement Activities" memorandum dated June 1, 2004].	
E. Probable Cause	
1. A set of facts or apparent facts that would cause a reasonable person to deduce:	
a. a crime [INA 212/INA 237 violation] has been or is being committed, and	
b. the suspect is the person who either committed or is committing the crime [212/237 violation].	
2. Probable cause can be developed through personal observations or knowledge and hearsay.	
3. A magistrate, through neutral and impartial review of the facts, decides whether the Law Enforcement Officer can, through issuance of a criminal warrant, invade the privacy of an individual to enforce the law. a. Facts provided to the magistrate include who committed the crime, what crime was committed, when it was committed, and how the officers acquired their information.	
4. A immigration official, through neutral and impartial review of the facts, decides whether an authorized Immigration Officer can, through issuance of an administrative warrant, invade the privacy of an individual to enforce the INA.	

a. Pursuant to 8 C.F.R. 236.1(b)(1), only those immigration officials to whom the power has been delegated from above [list found in 8 C.F.R. 287.5(e)(2)] can issue administrative arrest warrants. Facts provided to the official include who the alien is, what section of the INA has been violated, when and how it was violated, and how the officers acquired their information.	
F. Authority to arrest aliens	
1. With warrant pursuant to Section 236(a) of the Immigration and Nationality Act, as implemented by the applicable sections of 8 C.F.R.	See, 8 C.F.R. 236.1(b)(1) and 8 C.F.R. 287.5(e)(2) ICE is one of the few agencies with authority to issue administrative warrants of arrest
2. Without warrant pursuant to Section 287(a)(2) of the Immigration and Nationality Act, as implemented by the applicable sections of 8 C.F.R.	See, 8 C.F.R. 287.5(e)(1)
Note: It is the mission of ICE, and the duty of properly authorized and designated Immigration Officers to enforce the Immigration and Nationality Act, including the issuance and service of Warrants of Arrest and Warrants of Deportation when in the best interest of the U.S. government	Must be able to defend our actions before the Board of Immigration Appeals and the Courts
3. Administrative arrest without warrant is authorized if the following conditions are present:	287(a)(2) INA
a. person is an alien	
b. "reason to believe" [a phrase interpreted by the courts as the equivalent of "probable cause"] the alien is in the U.S. in violation of law	
c. likely to abscond before a warrant could be obtained	
d. alien arrested shall be taken without unnecessary delay for examination before an officer having authority to examine aliens as to their right to enter or remain in the US	Case review to be conducted by an officer other than the arresting officer. The second officer reviews and approves documents. An exception to this standard practice is found in 8 CFR § 287.3(a).
4. An alien being detained must be notified of his right to communicate with a consular official in accordance	<u>8 C.F.R. 236.1(e) lists countries for which</u>

with 8 C.F.R. 236.1 (c). The officer detaining the alien is responsible for the consular notification. If the alien is picked up from an institution or on a Warrant of Deportation, the arresting officer will be responsible for notification. The A-File should be reviewed to ensure the alien has been notified regarding his privilege of communication.	<u>consular notification is mandatory, regardless of whether the aliens requests such;</u> ICE officers shall not reveal if a detained alien has applied for asylum, withholding of removal, or protection under the United Nations Convention Against Torture. Form I-264 is used
5. If voluntary departure is not authorized, a decision regarding custody must be made within 24 hours of arrest whether the alien will:	Form I-286 8 C.F.R. 236.1 indicates conditions under which release may be authorized, as well as mandatory detention
a. remain in custody	New I-286 must be issued each time an alien is taken into custody unless there is a signed WD
b. be released upon posting of bond, minimum cash amount of \$1,500.00	Bond Form I-352 used when bond is posted to advise obligor ; bond cancelled when alien is placed under supervision if at end of removal period ICE has been unable to remove alien
c. be released on his/her own recognizance	I-220A
6. Procedures to obtain a Warrant of Arrest:	I-200 is the administrative warrant of arrest used by ICE
a. Application for Notice to Appear, Bond, Custody Processing Sheet (Form I-265) is used to request a Notice to Appear and Warrant of Arrest	Form I-265 provides uniform criteria to be applied in all custody determination decisions
b. The DRO officer shall make a recommendation simultaneously with the I-265 that a Warrant of Arrest be issued for an alien who should be detained in ICE custody pending the completion of his/her case.	
c. A Warrant of Arrest may be issued at any time after the issuance of a Notice to Appear if it becomes necessary to take the alien into custody pending the completion of his/her case.	8 C.F.R. 287.5(e)(2) specifies ICE officers authorized to sign Warrants of Arrest Telephonic authorization may be granted
d. The NTA and Warrant of Arrest shall be noted with the exact date and time of issuance and shall	48 hour limit to obtain signatures authorizing NTA/WA; 24 hour limit to

be served within 24 hours of issuance.	served authorized documents to alien
e. The officer issuing the Warrant of Arrest in conjunction with the NTA, will take into consideration factors such as close family ties, age, fixed address, prior immigration or criminal histories, employment history, financial solvency, and previous escape attempts when setting post-arrest custody conditions.	
7. Warrants of Deportation	A Warrant of Deportation is also an arrest warrant
a. The Field Office Director may issue a Warrant of Deportation when there is a final order of removal and removal is imminent.	Form I-205 is used Signed WD is required for subjects entry into NCIC TD on hand or promised
8. An order of removal issued by the Immigration Judge in the course of removal proceedings conducted under Section 240 of the INA shall become final:	8 C.F.R. 1241.1
a. When both parties, the respondent and the government, have waived appeal on the record;	
b. Upon expiration of the time allotted for an appeal to be filed and perfected, where a Notice of Appeal is not filed by any reserving party with the Board of Immigration Appeals in Falls Church, Virginia;	
c. Upon the order of the Board of Immigration Appeals upholding the Immigration Judge's order of removal, or upon the order of the Board of Immigration Appeals granting the government's appeal and ordering the respondent removed;	
d. If certified to the Board of Immigration Appeals or Attorney General, upon the date of the subsequent decision ordering removal;	
e. If an IJ orders the alien removed <i>in absentia</i> , immediately upon entry of such order; or,	
f. If an IJ issues an alternate order of removal in	

connection with a grant of voluntary departure, where neither party reserves appeal, or if appeal was reserved by any party but no one has perfected such appeal, the IJ's order is considered to change into an order of removal upon: (i) The alien's failure to comply in a timely manner with any conditions placed on the grant by the immigration judge, or (ii) Overstay of the original voluntary departure period and authorized extensions, if any.	
III. INA 287 Powers of Immigration Officers and Employees	
INA 287 contains specific authorities enacted in statute that may be available to Immigration Officers, depending upon specific job duties and scope of employment. In statute, Congress has laid the basic framework for authority to enforce the immigration laws of the United States. The executive branch of the government is responsible for drafting and promulgating regulations that develop the fine detail of the immigration law landscape. The regulations that govern your performance of duties as a Immigration Officer will first appear in the Federal Register, and then ultimately in the Code of Federal Regulations. The following section of the workbook concentrates on those authorities most likely to be exercised by Deportation Officers during the performance of official duties.	
A. 287(a)—Powers without warrant	
1. 287(a)(1)—to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States Note: There is a difference of opinion amongst a few circuits, which have spoken on the issue, regarding the nature of the suspicion. The Second Circuit has said that you must suspect that the person is an illegal alien. The Eleventh Circuit has said you need only suspect the person is an alien. Other circuits have not addressed the matter so outside the 2nd	Pursuant INA 287(a)(1) an immigration officer may briefly detain for questioning any alien or person believed to be an alien regarding his right to be or remain in the United States. "The statute has been interpreted to allow immigration officers the right to seek to interrogate individuals reasonably believed to be of alien origin. The minimal invasion of the privacy of the individual approached for questioning has

Circuit we take the longstanding viewpoint that the “statute has been interpreted to allow immigration officers the right to seek to interrogate individuals reasonably believed to be of alien origin.”

The rule for roving vehicular stops is different. The published case **United States v. Brignoni-Ponce**, 422 U.S. 873 (1975), involved roving Border Patrol agents that stopped a vehicle near the border and questioned the occupants about their citizenship and immigration status. *The only basis for the stop that was articulated by the agents at trial was the apparent Mexican ancestry of the occupants.* The Supreme Court ruled that a roving Border Patrol agent could stop a vehicle only if that agent is aware of specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion that the vehicle contains illegal aliens. Although apparent Mexican ancestry is a relevant factor in obtaining reasonable suspicion, standing alone, it is insufficient to stop the individuals.

The authority available to immigration officers under INA § 287(a)(1) should not be confused with roving vehicular stops or with temporary seizures that occur at Border Patrol Immigration Checkpoints.

An additional discussion on the “rule” of United States v. Brignoni-Ponce, 422 U.S. 873 (1975)] is warranted. The Supreme Court stated therein, that Border Patrol Agents could not use a combination of INA 287(a)(1) and INA 287(a)(3) to make a vehicular stop to determine the status of the passengers unless they had reasonable suspicion [based upon 2 or more articulable facts] that the occupants were *illegal aliens*. **The restrictive rule of this Supreme Court case only applies to roving vehicular stops.** The court made this perfectly clear when in the majority opinion it directly stated: “As noted above, we reserve the question whether Border patrol officers also may stop persons reasonably believed to be aliens when there is no reason to believe they are illegally in the country.” [United States v. Brignoni-Ponce, 422 U.S. 873 @ Footnote #9]

So to restate ICE’s position on the lawful use of INA 287(a)(1), *in every circuit but the Second, we take the longstanding viewpoint that the “statute has been interpreted to allow immigration officers the right to seek to interrogate individuals reasonably believed to be of alien origin.”*

been found justified by the special needs of immigration officials to make such interrogations. However, although the statute gives officers of the Immigration and Naturalization Service the authority to interrogate any alien as to his right to be in the United States, it does not authorize the interrogation of the alien concerning criminal matters, nor does it condone harassment.” [63 A.L.R. 180] [See, United States v. Rodriguez-Franco, 749 F2d 1555 (CA 11, Fla. 1985) and U.S. v. Olivares-Rangel, 324 F.Supp. 2d 1218 D.N.M. 2004)]
There is a split amongst the Federal Circuit courts:

In some instances, the authority of Immigration and Naturalization Service officials to conduct warrantless interrogations has been limited to situations where such officials have a reasonable suspicion, based on specific articulable facts, that the person may be an alien who is illegally in the country. [See, Marquez v. Kiley, 436 F. Supp. 100 (SDNY 1977) and United States v. Hernandez, 470 F. Supp. 1212 (E.D.N.Y. 1979)]

The Supreme Court has determined that CBP can make routine vehicle stops to inquire into citizenship and immigration status at reasonably located permanent checkpoints, without a warrant, and refer vehicles to secondary citizenship questioning without particularized suspicion. [See, United States v. Martinez-Fuerte, 428 U.S. 543 (1976).]

With the increase in worksite enforcement operations it seems prudent to discuss the nature of questioning in that type of environment. While not invoking the more exacting requirements imposed by the U.S. Supreme Court when dealing with roving patrols [See, United States v. Brignoni-Ponce, 422 U.S. 873 (1975)], members of the Court have raised the issue [by way of a dissenting opinion] and signaled their opinion that there just might be the need for a higher threshold in the worksite enforcement arena. Given the increase in these types of operations, the Court could very easily be in a position to address once again the use of INA 287(a)(1) during a worksite enforcement operation.

To ICE officers/agents who are currently involved in the worksite enforcement world, for now, the law would support the position that this authority is available during properly executed site inspections conducted pursuant to 8 CFR 287.8(f)(1) and (2). What the law allows, and how ICE chooses to conduct itself during enforcement operations may not always coincide.

Currently, worksite operations are briefed and conducted pursuant to the Court's majority opinion in I.N.S. v. Delgado, 466 U.S. 210 [i.e. lawful presence in factory followed by consensual encounters]. Delgado allows for consensual questioning and moving from person to person in the worksite while in the process of checking status. No 4th amendment issue is present as there is no seizure according to the Court. A fair reading of federal case law appears clear on the matter. If an officer/agent reasonably suspects [based upon 2 or more articulable facts] that an individual he has encountered during worksite enforcement is or may be an alien, detention is authorized to interrogate about lawful presence.

The existence of lawful authority does not automatically mean ICE will always make use of the authority. *ICE has the ability to require its officers and agents, as a matter of policy.*

<u>to live by a “higher” standard than that established by statute, regulation, and case law. Accordingly, should ICE choose to issue nation-wide guidance for worksite enforcement operations that says detention of an alien requires the officer/agent to reasonably suspect the individual is either an alien unlawfully present in the United States or an alien with status who is deportable, such a policy controls the officer’s/agent’s scope of authority in that instance. Upon arrival in the field, if you are going to become involved in worksite enforcement operations, pay particular attention to the pre-operational briefings to ensure you are acting within operational orders.</u> The provisions of INA 287(e) must be remembered when discussing the prospects of interrogating aliens about their status. INA 287(e) prevents officers from walking onto a farm or other outdoor agricultural operation for the express purpose of asking people [e.g. employees of the operation] if they have illegally crossed the border or otherwise have the lawful right to be in the United States. INA 287(a)(3) is a general authority granted to Border Patrol Agents and ICE Special Agents to enter onto private lands within 25 miles of the border for the specific purpose of patrolling the border. It is the only recognized exception to the provisions of INA 287(e).	
2. 287(a)(2)—to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of aliens, or to arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained or his arrest, but the alien arrested shall be taken without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States.	During a routine Service investigative search of a restaurant, an alien produced two documents (an executed warrant of arrest and an order of supervision) in different names. The investigator was justified in believing the alien to be in the United States in violation of law and likely to escape before a warrant of arrest could be obtained. Following the arrest the alien was taken without unnecessary delay for examination before a Service officer who took an affidavit from him and obtained an order to show cause and a warrant of arrest. The alien's arrest without a warrant was not illegal and the documents produced by him during the search and the affidavit obtained following arrest are admissible in evidence in deportation proceedings. [See, <u>Matter of Yam</u> 12 I. & N. 676 (BIA 1968)]

3. 287(a) (3)—within a reasonable distance from any external boundary of the United States, to board and search for aliens any vessel within the territorial. Waters of the United States and any railway car, aircraft, conveyance, or vehicle, and within a distance of 25 miles from any such external boundary to have access to private lands, but not dwellings for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States.	This authority is only available to deportation officers who are in the uniform of an immigration inspector and performing inspections, or supervising other immigration inspectors performing inspections (seaport operations only). Not a likely occurrence given the creation of DHS and the specific mission of CBP being separate from that of DRO's mission within ICE.
4. 287(a)(4)—to make arrests for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens, if he has reason to believe that the person so arrested is guilty of such felony and if there is a likelihood of the person escaping before a warrant can be obtained for his arrest, but the person arrested shall be taken without unnecessary delay before the nearest available officer empowered to commit persons charges with offenses against the laws of the United States.	Arrests for offenses mentioned in INA § 287(a)(4) can also be made with arrest warrants where the alien is not likely to escape or absent exigent circumstances. In these situations, a Federal District Court Judge or U.S. Magistrate must issue the criminal warrant of arrest.
5. 287(a)(5)(A)—to make arrests for any offense against the United States, if the offense is committed in the officer's or employee's presence	In 2003 the training and authorization for INA § 287(a)(5)(A) arrest authority was instituted and by regulation it was extended to those individuals listed in 8 CFR § 287.5(c)(3). Additionally, by Memorandum dated 11/26/2003 from the Office of the Assistant Secretary for ICE, ICE Special Agents, Deportation Officers, and Immigration Enforcement Agents who have successfully completed the basic immigration law enforcement training [including by <i>de facto</i> incorporation, those who complete the Equivalency Training Program ("ETP")] have been granted the authority to use INA § 287(a)(5)(A) arrest authority.
6. 287(a) (5) (B)—for any felony cognizable under the laws of the United States, if the officer or employee has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony, if	<u>In the very same memorandum mentioned above, the Assistant Secretary for ICE specifically</u>

the officer or employee is performing duties relating to the enforcement of the immigration laws at the time of the arrest and if there is a likelihood of the person escaping before a warrant can be obtained for his arrest.	<u>withheld permission from Immigration Enforcement Agents and Deportation Officers to exercise the arrest authority contained in INA § 287(a)(5)(B).</u>
B. 287(b)—Administration of oaths and taking of evidence —any officer or employee of the Service, shall have power and authority to administer oaths and to take can consider evidence concerning the privilege of any person to enter, reenter, pass through, or reside in the United States, or concerning any matter which is material or relevant to the enforcement of the INA	Remember that the line of inquiry and questions must be material and relevant to the matter being investigated.
1. Penalty of perjury —also under 287(b), any person to whom such oath has been administered, under the provisions of this Act, who shall knowingly or willfully give false evidence or swear (or subscribe under penalty of perjury as permitted under section 1746 of title 28, US Code) to any false statement concerning any matter in this subsection shall be guilty of perjury and shall be punished as provided by section 1621, title 18, USC.	False testimony must be knowingly or willfully provided by the declarant in order for criminal prosecution to be a possibility.
C. 287(c) Search without warrant —any officer, whether individually or as one of a class, shall have power to conduct a search, without warrant, of the person, and of the personal effects in the possession of any person seeking admission to the United States, concerning whom such officer may have reasonable cause to suspect that grounds exist for denial of admission to the United States under this Act which would be disclosed by such search.	This section is specific to applicants for admission at the borders; As inspection of aliens is the specific mission of CBP and it's officers, this authority will most likely never be exercised by Deportation Officers
D. 287(d) Detainer (sic) of aliens for violation of controlled substance laws —In the case of an alien who is arrested by a Federal, State, or local law enforcement official for a violation of any law relating to controlled substances, if the official (or another official):	
1. has reason to believe that the alien may not have been lawfully admitted to the United States or otherwise is not lawfully present in the United States,	
2. expeditiously informs an appropriate officer of the Service authorized and designated by the Attorney	Note: The use of the term "Service" at left

General of the arrest and of facts concerning the status of the alien, and	occurs because this is the actual language of the C.F.R. provision.
3. requests the Service to determine promptly whether or not to issue a detainer to detain the alien, the officer or employee of the Service shall promptly determine whether or not to issue such a detainer. If such a detainer is issued and the alien is not otherwise detained by Federal, State, or local officials, the Attorney General shall effectively and expeditiously take custody of the alien	
E. 287(e) Restriction on warrantless entry in case of outdoor agricultural operations—an officer or employee of the Service may not enter without the consent of the owner (or agent thereof) or a properly executed warrant onto the premises of a farm or other outdoor agricultural operation for the purpose of interrogating a person believed to be alien as to the person's right to be or to remain in the United States. This provision does not bar officers from entering onto private lands, including a farm or other outdoor agricultural operation, pursuant to INA 287(a)(3), as long as the purpose is to patrol the border (i.e., line watch).	287(e) is a prohibition rather than the granting of an authority. Its provisions are subject to the power and authority granted in INA 287(a)(3) with regards to patrolling the border. Note: The use of the term "Service" at left occurs because this is the actual language of the C.F.R. provision.
F. 287(f) Fingerprinting and photographing of certain aliens	
1. Under regulations of the Attorney General, the Commissioner shall provide for the fingerprinting and photographing of each alien 14 years of age or older against whom a proceeding is commenced under section 240	All aliens 14 years of age or greater are fingerprinted and photographed as part of the removal process.
2. Such fingerprints and photographs shall be made available to Federal, State, and local law enforcement agencies upon request	
G. 287(g) Performance of immigration officer functions by state officers and employees	
1. The Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the	287(g) training for local and State law enforcement officers is an ongoing, collaborative effort between

State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension or detention of aliens in the United States (including the transportation of such aliens across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to extent consistent with State and local law	Detention and Removal Operations and the ICE Office of Investigations. Trainees fall into two categories, jailors and task force officers. Pursuant to Memorandums of Understanding, several State and local law enforcement agencies have obtained the required training for a small cadre of employees. As of August 2007, Alabama, Florida, Arizona, Colorado, Tennessee, Virginia, North Carolina, and California were all venues for 287(g) training courses.
IV. 8 C.F.R. 287.5 Exercise of power by Immigration Officers	
A. Power and authority to interrogate and administer oaths —Any immigration officer is authorized and designated to exercise anywhere in or outside the United States the power conferred by:	8 C.F.R. 287.5 (a)
1. Section 287(a)(1) INA to interrogate, without warrant, any alien or person believed to be an alien concerning his or her right to be, or remain in the United States, and	8 C.F.R. 103.1(b) identifies who has been designated an Immigration Officer.
2. Section 287(b) INA to administer oaths and to take and consider evidence concerning the privilege of any person to enter, reenter, pass through, or reside in the United States; or concerning any matter which is material or relevant to the enforcement of the Act and the administration of the immigration and naturalization functions of the Department.	
B. Power and authority to patrol the border the following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the power to patrol the border conferred by section 287(a)(3) INA:	8 C.F.R. 287.5(b)
1. Border patrol agents	
2. Special agents	
3. Immigration inspectors (seaport only)	
4. Adjudications officers and deportation officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections (seaport inspections only);	
5. Supervisory and managerial personnel who are	

responsible for supervising the activities of those officers	
6. Immigration officers who need the authority to patrol the border under section 287(a)(3) INA to effectively accomplish their individual missions, and who are designated, by the Commissioner of CBP, or the Assistant Secretary for ICE	
C. Power and authority to arrest	8 C.F.R. 287.5(c)
1. Arrests of aliens under section 287(a) (2) INA for immigration violations. The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the arrest power conferred by section 287(a)(2) INA in accordance with 8 C.F.R. 287.8(c):	
1. Border Patrol Agents	
2. Special agents	
3. Deportation officers	
4. Immigration inspectors	
5. Adjudications officers	
6. Immigration enforcement agents	
7. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
8. Immigration officers who need the authority to arrest aliens under section 287(a)(2) INA in order to effectively accomplish their individual missions and who are designated, by the Commissioner of CBP, the Assistant Secretary for ICE, or the Director of the BCIS	
D. Arrests of persons under section 287(a) (4) INA for felonies regulating the admission or removal of aliens. The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the arrest power conferred by section 287(a)(4) INA and in accordance with 8 C.F.R. 287.5(c)(2) and 8 C.F.R. 287.8(c):	
1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Immigration inspectors	

5. Adjudications officers	
6. Immigration enforcement agents	
7. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
8. Immigration officers who need this authority to arrest persons under section 287(a) (4) INA to effectively accomplish their individual missions and who are designated by the Commissioner of CBP, Assistant Secretary for ICE, or the CIS Director	
E. Arrests of persons under section 287(a)(5) INA for any offense against the United States. The following immigration officers who have successfully completed basic immigration law enforcement training are authorized and designated to exercise the arrest power conferred by section 287(a)(5) INA and in accordance with 8 C.F.R. 287.5(c)(3) and 8 C.F.R. 287.8(c):	
1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Immigration inspectors (permanent, full time only)	
5. Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections;	
6. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
7. Immigration officers who need the authority to arrest persons under section 287(a)(5)(A) INA in order to effectively accomplish their individual missions and who are designated by the Commissioner of CBP, or the Assistant Secretary for ICE	
G. Arrests of persons under section 274(a) INA who bring in, transport, or harbor certain alien, or induce them to enter	8 C.F.R. 287.5(c)(5)
1. Section 274(a) INA authorizes designated immigration officers to arrest person who bring in, transport, or harbor aliens, or induct them to enter the United States in violation of law.	

2. The following immigration officers who have successfully completed basic immigration law enforcement training are authorized to exercise the arrest power conferred by section 274(a) INA:	
1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Immigration inspectors	
5. Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections	
6. Supervisory or managerial personnel who are responsible for supervising the activities of those officers	
7. Immigration officers who need the authority to arrest persons under section 274(a) INA to effectively accomplish their individual missions and who are designated by the Commissioner of CBP, or the Assistant Secretary for ICE <u>Important Note:</u> 8 USC 1324(c) says that the Attorney General has the authority to designate which immigration officers may make arrests for a violation of 8 USC 1324(a) - Bringing In and Harboring Certain Aliens (alien smuggling). Pursuant to 8 CFR § 287.5(c)(5) Immigration Enforcement Agents (IEAs) <u>may not</u> at the present time make arrests for violations of 8 USC 1324(a). This restriction is the result of a policy decision made when the IEA position was established. INA § 287(a)(4) authority <u>cannot be used</u> by an IEA to justify the presence of authority to make an arrest for a violation of 8 USC 1324(a). A related restriction of authority is found in 8 CFR § 287.5(c)(3) where the Attorney General has given IEAs the authority to serve warrants of arrest for administrative immigration violations only, and not immigration related criminal arrest warrants.	
H. Custody and transportation of previously arrested persons	8 C.F.R. 287.5(c)(6)
1. In addition to the authority to arrest pursuant to a	

warrant of arrest, detention enforcement officers and immigration enforcement agents who have successfully completed basic immigration law enforcement training are authorized to take and maintain custody of and transport any person who has been arrested by an immigration officer	
I. Power and authority to conduct searches —the following immigration officers who have successfully completed basic immigration law enforcement training are authorized to exercise the power to conduct searches conferred by section 287(c) INA:	8 C.F.R. 287.5(d)
1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Immigration inspectors	
5. Adjudications officers	
6. Immigration enforcement agents	
7. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
8. Immigration officers who need the authority to conduct searches under section 287(c) INA to effectively accomplish their individual missions and who are designated by the Commissioner of CBP, the Assistant Secretary for ICE, or the Director of the BCIS.	
J. Power and authority to execute warrants	8 C.F.R. 287.5(e)(1)
1. Search warrants —The following immigration officers who have successfully completed basic immigration law enforcement training are authorized to exercise the power conferred by section 287(a) INA to execute a search warrant:	
1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Immigration enforcement agents	
5. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	

6. Immigration officers who need the authority to execute search warrants under section 287(a) INA to effectively accomplish their individual missions and who are designated by the Commissioner of CBP or the Assistant Secretary for ICE	
K. Issuance of arrest warrants for immigration violations	8 C.F.R. 287.5(e)(2)
1. A Warrant of Arrest may be issued by an immigration officer who has been authorized or delegated such authority:	I-200
1. District directors (except foreign)	
2. Deputy district directors (except foreign)	
3. Assistant district directors for investigations	
4. Deputy assistant district directors for investigations	
5. Assistant district directors for deportation	
6. Deputy assistant district directors for deportation	
7. Assistant district directors for examinations	
8. Deputy assistant district directors for examinations	
9. Officers in charge (except foreign)	
10. Assistant officers in charge (except foreign)	
11. Chief patrol agents	
12. Deputy chief patrol agents	
13. Assistant chief patrol agents	
14. Patrol agents in charge	
15. Assistant patrol agents in charge	
16. Field operations supervisors	
17. Special operations supervisors	
18. Supervisory border patrol agents	
19. Assistant Commissioner, Investigations	
20. Institutional hearing program directors	
21. Area port directors	
22. Port directors	
23. Deputy port directors	
24. Supervisory deportation officers	
25. Supervisory detention and deportation officers	
26. Director, Office of Detention and Removal	
27. Special agents in charge	
28. Deputy special agents in charge	
29. Associate special agents in charge	
30. Assistant special agents in charge	

31. Resident agents in charge	
32. Field office directors	
33. Deputy field office directors	
34. District field officers	
L. Service of Warrants of arrest for immigration violations	8 C.F.R. 287.5(e)(3)
1. The following officers who have successfully completed basic immigration law enforcement training are authorized to exercise the power pursuant to section 287(a) INA to execute warrants of arrest for administrative immigration violations issued under section 236 INA or to execute warrants of criminal arrest issued under authority of the United States:	
1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Detention enforcement officers or immigration enforcement agents (<i>warrants of arrest for administrative immigration violations only</i>)	
5. Immigration inspectors	
6. Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections	
7. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
8. Immigration officers who need the authority to execute arrest warrants for immigration violations under section 287(a) INA to effectively accomplish their individual missions and who are designated by the Commissioner of CBP, or the Assistant Secretary for ICE	
M. Service of Warrants of arrest for non-immigration violations	8 C.F.R. 287.5(e)(4)
1. The following immigration officers who have successfully completed basic immigration law enforcement training are authorized to exercise the power to execute warrants of criminal arrest for non-immigration violations issued under authority of the United States:	

1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Immigration enforcement agents	
5. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
6. Immigration officers who need the authority to execute warrants of arrest for non-immigration violations under section 287(a) INA to effectively accomplish their individual missions and who are designated by the Commissioner of CBP, or the Assistant Secretary for ICE.	
N. Power and authority to carry firearms	8 C.F.R. 287.5(f)
1. The following immigration officers who have successfully completed basic immigration law enforcement training are authorized to exercise the power conferred by section 287(a) INA to carry firearms, provided they are individually qualified by training and experience to handle firearms, maintain proficiency of such firearms, and adhering to the provisions outlined in the use of force policy and the ICE Firearms policy.	
1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Detention enforcement officers or immigration enforcement agents	
5. Immigration inspectors	
6. Adjudications officers when in the uniform of an immigration inspector and performing inspections of supervising other immigration inspectors performing inspections	
7. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
8. Immigration officers who need the authority to carry firearms under section 287(a) INA to effectively accomplish their individual missions and who are designated by the Commissioner of CBP, or the Assistant Secretary for ICE	

V. Summary	
1. This course has provided an overview of how to properly conduct law enforcement encounters with the public. This includes the questioning of an individual consensually, making a seizure for a brief investigatory interrogation [with properly developed reasonable suspicion], and a criminal or administrative arrest based on probable cause. Keep in mind that:	
a. The factual foundation required to establish mere suspicion, reasonable suspicion, and probable cause, as well as the proof requirements for the terms “preponderance of evidence” and “beyond a reasonable doubt” are outlined in the law.	
b. Reasonable suspicion is established through a multitude and totality of circumstances, including the suspect’s reputation, reports of recent criminal activity in the area, time of day, location, prior information, suspicious conduct consistent with criminal activity, the suspect’s behavior upon encountering a Law Enforcement Officer, and officer expertise, experience, and observations.	Totality of factors should always be considered; a single factor alone is not sufficient
2. A Deportation Officer’s authority to arrest aliens is derived from several sources:	
a. arrests with a warrant under Section 236(a) INA	
b. arrests without a warrant under Section 287 INA	
3. Several standard forms are utilized in the acquisition of a Warrant of Arrest, and thereafter other issuers must be addressed, to include custody conditions for the subject arrested and conditions of bond or release, if applicable.	
4. Section 287 INA has created multiple authorities, which are potentially available to Immigration Officers. These have been outlined by section within the course.	
5. 8 C.F.R. 287.5 identifies specific authorities granted to individual Immigration Officers by class. These have been outlined by section within the course.	

6. It is imperative for the Deportation Officer to have sound knowledge of the authorities conferred upon them by statute and regulation. Read and understand INA 287 and 8 C.F.R. 287.5, which address these authorities as outlined in law and regulation. A Deportation Officer should utilize all other applicable reference materials to aid in the performance of his official duties.	

Lesson Plan Overview

Course	287 Overview
Course Description	This course provides an overview regarding the authorities and responsibilities of Deportation Officers as discussed in INA 287 and 8 C.F.R. 287.
Field Performance Objective	Given a simulated field situation involving the exercise of power by Deportation Officers, the student will demonstrate knowledge of the authorities bestowed upon Deportation Officers pursuant to INA 287 and 8 C.F.R. 287.5.
Interim Performance Objectives	1. Identify the three categories of law enforcement encounters with the public. 2. Define a seizure of a person. 3. Define detention. 4. Define arrest. 5. Identify the degrees of proof required for mere suspicion, reasonable suspicion, and probable cause. 6. Identify factors that establish reasonable suspicion. 7. Identify the source of ICE authority to execute arrests, and the forms utilized in connection with such. 8. Identify time frames of validity incident to custody and removal. 9. Identify the authorities conferred by Section 287 of the Immigration and Nationality Act (INA). 10. Identify the authorities conferred by 8 C.F.R. 287.5 regarding exercise of power by Immigration Officers. 11. Identify positions authorized to exercise specific powers conferred within 8 C.F.R. 287.5
Instructional Methods	Lecture, class discussion
Time	2 hours
Training Aids	Participant Workbook, Powerpoint
Method of Evaluation	Class Discussion
Student Materials	Participant Workbook

I. Introduction	
A. Purpose of Course	
As a Deportation Officer, you are empowered with certain authorities conferred through INA 287 and 8 C.F.R. 287. The authorities specified within these sections of law and regulation provide the Deportation Officer with a framework in which to operate during the performance of official duties day-to-day. It is imperative that the Deportation Officer both understands and properly exercises these authorities.	In addition to the law and regulation there are other key sources that one must consult to ensure lawful performance of duty. They include: 1. DHS/ICE Delegations: • DIIS Delegation Number 7030.1 • DHS Delegation Number 7030.2 • ICE Delegation Number 0001 • OI/DRO Organizational Delegation Orders 2. DHS/ICE Directives and Policy Memorandum
II. Encountering Aliens	
A. Law Enforcement encounters with private individuals can be divided into 3 categories: consensual encounters, investigatory stops, and arrests.	
1. The first, and least intrusive, type of encounter occurs when an officer merely approaches an individual in public, <u>normally</u> identifying himself, and asks if he is willing to answer a question. Because the encounter is in a public place and is voluntary, it does not constitute a “seizure” within the meaning of the Fourth Amendment. This type of questioning does not require probable cause, or a warrant. It does not require reasonable suspicion. A reasonable person, in the same or similar circumstances, would understand that he could refuse to cooperate and immediately depart the area. A consensual encounter is transformed into a seizure when, considering all circumstances, the reasonable person would believe he is	The Fourth Amendment is not implicated when officers merely approach and question a person, as long as the encounter is consensual in nature and does not involve coercion or the restraint of liberty. [See, U.S. v. Jones, 990 F. 2d 405 (8th Cir. 1993)]

no longer free to leave. Circumstances that might lead to a seizure, even where the person has not attempted to leave, would be the threatening presence of several officers, the display of a weapon by an officer, physical contact of the person by the officer, or the use of language or tone of voice indicating the officer's request may be compelling. A finding that a transition from a non-seizure to a "seizure" has occurred would be based on the totality of the circumstances, as seen through the eyes of a reasonable person.	
2. The second type of encounter is when the officer may justifiably restrain an individual for a brief investigatory inquiry because he has "reasonable suspicion" based on articulable facts that the person has committed or is about to commit a crime, or in the case of certain Immigration Officers, that the person has committed, or is about to commit an administrative violation of the INA. [Detention and interrogation pursuant to INA 287(a)(1) will be discussed below.] Individuals may be detained for a period of time where officers are proceeding reasonably to dispel or confirm their suspicions. This type of encounter does not require probable cause, or a warrant. Often this situation stems from a consensual encounter, but, unlike the consensual encounter, the officer must <u>always</u> identify himself to detain an individual for further investigation. <u>General Note:</u> With regard to interrogation for the purposes of determining alienage, the plain language of INA 287(a)(1) and 8 C.F.R 287.5(a)(1) combined provide that any immigration officer [as defined in 8 C.F.R 103.1(b)] may interrogate any alien or person believed to be an alien as to his or her right to be or remain in the United States. The courts have found that there exists an implied authority to detain or restrain an individual for the status interrogation. This authority is discussed in greater detail later in this workbook, and special attention must be paid to the particulars of Federal circuit court rulings and ICE policy pronouncements.	A stop for investigatory purposes must be limited: it must be temporary and last no longer than necessary to effect the progress of the stop. An investigatory stop, which lasts too long turns into a "defacto" arrest, but no bright line, exists determining when this occurs. There is no hard and fast limit on the permissible length of an investigative detention. Rather, the test is whether the detention is temporary and whether the police acted with dispatch to quickly confirm or dispel the suspicions that initially induced the investigative detention. For example, fixed checkpoints by the police or roadside detentions are not arrests. They are presumptively temporary and brief. Similarly, when a person is merely approached by a police officer and questioned about his or her identity and actions, this is only an accosting, not an arrest. While a "seizure" in the constitutional sense occurs when a police officer stops and frisks a citizen, such an encounter—commonly called a "Terry stop" does not constitute an arrest. [See, 5 Am. Jur. 2d Arrest § 5] Pat down/frisk for weapons okay to ensure officer safety

3. The third type of encounter is an arrest, which must be based on probable cause. <i>Probable cause is an absolute prerequisite for both criminal and administrative arrests.</i> A warrant should be obtained unless the ICE officer has reason to believe that the person is likely to escape before a warrant can be obtained [e.g., an alien present in the US in violation of the INA with few ties to the community].	
B. Definitions	
1. “Seizure” of a person A person is seized if an officer uses physical force, or a show of authority, which causes a person to submit to that force or authority.	
2. Detention (Investigative Stop) brief, temporary stop as part of an investigation for the purpose of limited inquiry into possible criminal activity or an administrative violation of the INA. As discussed above, detention is also authorized in the execution of the authority under INA 287(a)(1). In all cases, reasonable suspicion is required.	
3. Arrest—officially taking a person into custody to have him answer to criminal or administrative charges. In either case it will require probable cause.	236(a) INA 287(a)(2) INA 287(a)(4) INA 287(a)(5) INA
C. Degrees of Proof	
1. Mere Suspicion—lowest degree of proof; can be equated to a hunch or gut feeling. It is not what some would refer to as a “wild haired” guess! This level does not allow the officer to take any forcible action against the person. An officer cannot stop, detain, or arrest based on mere suspicion, though the mere suspicion may prompt the officer to engage the subject in a consensual encounter.	
2. Reasonable Suspicion—specific articulable facts that cause suspicion by reasonable and rational inference that an event has, is, or will occur.	Required for investigative stops
3. Probable Cause—Information that a reasonable person would deduce that a crime has been or is being committed, and a specific person either committed or is committing	Required for all arrests

the crime; or in the case of a violation of INA 212 or INA 237, that a violation has been or is being committed, and a specific alien either committed or is committing the violation.	
4. Preponderance of Evidence—civil trial standard; more evidence for than against—51% or more.	
5. Beyond a Reasonable Doubt—criminal trial standard; any other reasonable hypothesis other than guilt is precluded.	
D. Reasonable Suspicion is established through the following factors:	
1. Suspect's reputation	
2. Report of recent crime in area	
3. Time of day	
4. Location	
5. Suspicious or unusual conduct consistent with various types of crime	
6. Prior information	
7. Individual's behavior upon seeing a Law Enforcement Officer (not sufficient as the sole factor)	<i>Illinois v. Wardlow</i> , 528 U.S. 119 (2000) states that unprovoked flight by a suspect <u>from a high crime area</u> was sufficient to create "reasonable suspicion."
8. Officer expertise and experience	
9. Officer observations "Racial profiling" at its core concerns the invidious use of race or ethnicity as a criterion in conducting stops, searches, and other law enforcement	

investigative procedures. It is not merely wrong, but also ineffective. You may not use race or ethnicity as a selection criterion for an investigative stop unless you have received specific information that a suspect is of a certain race. [See, "Department of Homeland Security's Commitment to Race Neutrality in Law Enforcement Activities" memorandum dated June 1, 2004]. Racial profiling is the inclusion of race as a primary determinant in the characterization of a persons considered likely to commit a particular type of crime. Towards the end of the 20th century in the United States, the practice fell into disfavor with the general public as abuses by law enforcement came to light. Criminal Advocates are against the use of racial profiling tactics by the police. They argue that the disproportionate number of convicted minorities is due to "racial profiling". <u>See</u>, http://en.wikipedia.org/wiki/Racial_profiling	
E. Probable Cause	
1. A set of facts or apparent facts that would cause a reasonable person to deduce:	
a. a crime [INA 212/INA 237 violation] has been or is being committed, and	
b. the suspect is the person who either committed or is committing the crime [212/237 violation].	
2. Probable cause can be developed through personal observations or knowledge and hearsay.	
3. A magistrate, through neutral and impartial review of the facts, decides whether the Law Enforcement Officer can, through issuance of a criminal warrant, invade the privacy of an individual to enforce the law. a. Facts provided to the magistrate include who committed the crime, what crime was committed, when it was committed, and how the officers acquired their information.	

4. A immigration official, through neutral and impartial review of the facts, decides whether an authorized Immigration Officer can, through issuance of an administrative warrant, invade the privacy of an individual to enforce the INA. a. Pursuant to 8 C.F.R. 236.1(b)(1), only those immigration officials to whom the power has been delegated from above [list found in 8 C.F.R. 287.5(e)(2)] can issue administrative arrest warrants. Facts provided to the official include who the alien is, what section of the INA has been violated, when and how it was violated, and how the officers acquired their information.	
F. Authority to arrest aliens	
1. With warrant pursuant to Section 236(a) of the Immigration and Nationality Act, as implemented by the applicable sections of 8 C.F.R.	See, 8 C.F.R. 236.1(b)(1) and 8 C.F.R. 287.5(e)(2) ICE is one of the few agencies with authority to issue administrative warrants of arrest
2. Without warrant pursuant to Section 287(a)(2) of the Immigration and Nationality Act, as implemented by the applicable sections of 8 C.F.R.	See, 8 C.F.R. 287.5(c)(1)
Note: It is the mission of ICE, and the duty of properly authorized and designated Immigration Officers to enforce the Immigration and Nationality Act, including the issuance and service of Warrants of Arrest and Warrants of Deportation when in the best interest of the U.S. government	Must be able to defend our actions before the Board of Immigration Appeals and the Courts
3. Administrative arrest without warrant is authorized if the following conditions are present:	287(a)(2) INA
a. person is an alien	
b. “reason to believe” [a phrase interpreted by the courts as the equivalent of “probable cause”] the alien is in the U.S. in violation of law	
c. likely to abscond before a warrant could be obtained	

d. alien arrested shall be taken without unnecessary delay for examination before an officer having authority to examine aliens as to their right to enter or remain in the US	Case review to be conducted by an officer other than the arresting officer. The second officer reviews and approves documents. An exception to this standard practice is found in 8 CFR § 287.3(a).
4. An alien being detained must be notified of his right to communicate with a consular official in accordance with 8 C.F.R. 236.1 (c). The officer detaining the alien is responsible for the consular notification. If the alien is picked up from an institution or on a Warrant of Deportation, the arresting officer will be responsible for notification. The A-File should be reviewed to ensure the alien has been notified regarding his privilege of communication.	<u>8 C.F.R. 236.1(e) lists countries for which consular notification is mandatory, regardless of whether the aliens requests such:</u> ICE officers shall not reveal if a detained alien has applied for asylum, withholding of removal, or protection under the United Nations Convention Against Torture. Form I-264 is used
5. If voluntary departure is not authorized, a decision regarding custody must be made within 24 hours of arrest whether the alien will:	Form I-286 8 C.F.R. 236.1 indicates conditions under which release may be authorized, as well as mandatory detention
a. remain in custody	New I-286 must be issued each time an alien is taken into custody unless there is a signed WD
b. be released upon posting of bond, minimum cash amount of \$1,500.00	Bond Form I-352 used when bond is posted to advise obligor ; bond cancelled when alien is placed under supervision if at end of removal period ICE has been unable to remove alien
c. be released on his/her own recognizance	I-220A
6. Procedures to obtain a Warrant of Arrest:	I-200 is the administrative warrant of arrest used by ICE
a. Application for Notice to Appear, Bond, Custody Processing Sheet (Form I-265) is used to request a Notice to Appear and Warrant of Arrest	Form I-265 provides uniform criteria to be applied in all custody determination decisions
b. The DRO officer shall make a recommendation simultaneously with the I-265 that a Warrant of Arrest be issued for an alien who should be detained in ICE custody pending the completion of his/her case.	

c. A Warrant of Arrest may be issued at any time after the issuance of a Notice to Appear if it becomes necessary to take the alien into custody pending the completion of his/her case.	8 C.F.R. 287.5(e)(2) specifies ICE officers authorized to sign Warrants of Arrest Telephonic authorization may be granted
d. The NTA and Warrant of Arrest shall be noted with the exact date and time of issuance and shall be served within 24 hours of issuance.	48 hour limit to obtain signatures authorizing NTA/WA; 24 hour limit to served authorized documents to alien
e. The officer issuing the Warrant of Arrest in conjunction with the NTA, will take into consideration factors such as close family ties, age, fixed address, prior immigration or criminal histories, employment history, financial solvency, and previous escape attempts when setting post-arrest custody conditions.	
7. Warrants of Deportation	A Warrant of Deportation is also an arrest warrant
a. The Field Office Director may issue a Warrant of Deportation when there is a final order of removal and removal is imminent.	Form I-205 is used Signed WD is required for subjects entry into NCIC TD on hand or promised
8. An order of removal issued by the Immigration Judge in the course of removal proceedings conducted under Section 240 of the INA shall become final:	8 C.F.R. 1241.1
a. When both parties, the respondent and the government, have waived appeal on the record;	
b. Upon expiration of the time allotted for an appeal to be filed and perfected, where a Notice of Appeal is not filed by any reserving party with the Board of Immigration Appeals in Falls Church, Virginia;	
c. Upon the order of the Board of Immigration Appeals upholding the Immigration Judge's order of removal, or upon the order of the Board of Immigration Appeals granting the government's appeal and ordering the respondent removed;	

d. If certified to the Board of Immigration Appeals or Attorney General, upon the date of the subsequent decision ordering removal;	
e. If an IJ orders the alien removed <i>in absentia</i> , immediately upon entry of such order; or,	
f. If an IJ issues an alternate order of removal in connection with a grant of voluntary departure, where neither party reserves appeal, or if appeal was reserved by any party but no one has perfected such appeal, the IJ's order is considered to change into an order of removal upon: (i) The alien's failure to comply in a timely manner with any conditions placed on the grant by the immigration judge, or (ii) Overstay of the original voluntary departure period and authorized extensions, if any.	
III. INA 287 Powers of Immigration Officers and Employees	
INA 287 contains specific authorities enacted in statute that may be available to Immigration Officers, depending upon specific job duties and scope of employment. In statute, Congress has laid the basic framework for authority to enforce the immigration laws of the United States. The executive branch of the government is responsible for drafting and promulgating regulations that develop the fine detail of the immigration law landscape. The regulations that govern your performance of duties as a Immigration Officer will first appear in the Federal Register, and then ultimately in the Code of Federal Regulations. The following section of the workbook concentrates on those authorities most likely to be exercised by Deportation Officers during the performance of official duties.	
A. 287(a)—Powers without warrant	
1. 287(a)(1)—to interrogate any alien or person believed to be an alien as to his right to be or to	Pursuant INA 287(a)(1) an immigration officer may briefly detain for questioning

remain in the United States Note: There is a difference of opinion amongst a few circuits, which have spoken on the issue, regarding the nature of the suspicion. The Second Circuit has said that you must suspect that the person is an illegal alien. The Eleventh Circuit has said you need only suspect the person is an alien. Other circuits have not addressed the matter so outside the 2nd Circuit we take the longstanding viewpoint that the “statute has been interpreted to allow immigration officers the right to seek to interrogate individuals reasonably believed to be of alien origin.” The rule for roving vehicular stops is different. The published case United States v. Brignoni-Ponce, 422 U.S. 873 (1975), involved roving Border Patrol agents that stopped a vehicle near the border and questioned the occupants about their citizenship and immigration status. <i>The only basis for the stop that was articulated by the agents at trial was the apparent Mexican ancestry of the occupants.</i> The Supreme Court ruled that a roving Border Patrol agent could stop a vehicle only if that agent is aware of specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion that the vehicle contains illegal aliens. Although apparent Mexican ancestry is a relevant factor in obtaining reasonable suspicion, standing alone, it is insufficient to stop the individuals. The authority available to immigration officers under INA § 287(a)(1) should not be confused with roving vehicular stops or with temporary seizures that occur at Border Patrol Immigration Checkpoints. An additional discussion on the “rule” of <u>United States v. Brignoni-Ponce</u>, 422 U.S. 873 (1975)] is warranted. The Supreme Court stated therein, that Border Patrol Agents could not use a combination of INA 287(a)(1) and INA 287(a)(3) to make a vehicular stop to determine the status of the passengers unless they had reasonable suspicion [based upon 2 or more articulable facts] that the occupants were <i>illegal aliens</i>. The restrictive rule of this Supreme Court case only applies to roving vehicular stops. The court made this perfectly clear when in the majority opinion it directly stated: “As noted above, we reserve the question whether Border patrol officers also may stop persons reasonably believed to be aliens when there is no reason to believe they are illegally	any alien or person believed to be an alien regarding his right to be or remain in the United States. “The statute has been interpreted to allow immigration officers the right to seek to interrogate individuals reasonably believed to be of alien origin. The minimal invasion of the privacy of the individual approached for questioning has been found justified by the special needs of immigration officials to make such interrogations. However, although the statute gives officers of the Immigration and Naturalization Service the authority to interrogate any alien as to his right to be in the United States, it does not authorize the interrogation of the alien concerning criminal matters, nor does it condone harassment.” [63 A.L.R. 180] [See, <u>United States v. Rodriguez-Franco</u>, 749 F.2d 1555 (CA 11 Fla. 1985) and <u>U.S. v. Olivares-Rangel</u>, 324 F.Supp. 2d 1218 D.N.M. 2004]] <u>There is a split amongst the Federal Circuit courts:</u> In some instances, the authority of Immigration and Naturalization Service officials to conduct warrantless interrogations has been limited to situations where such officials have a reasonable suspicion, based on specific articulable facts, that the person may be an alien who is illegally in the country. [See, <u>Marquez v. Kiley</u>, 436 F. Supp. 100 (SDNY 1977) and <u>United States v. Hernandez</u>, 470 F. Supp. 1212 (EDNY 1979)]
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in the country.” [United States v. Brignoni-Ponce, 422 U.S. 873 @ Footnote #9]

So to restate ICE’s position on the lawful use of INA 287(a)(1), *in every circuit but the Second, we take the longstanding viewpoint that the “statute has been interpreted to allow immigration officers the right to seek to interrogate individuals reasonably believed to be of alien origin.”*

The Supreme Court has determined that CBP can make routine vehicle stops to inquire into citizenship and immigration status at reasonably located permanent checkpoints, without a warrant, and refer vehicles to secondary citizenship questioning without particularized suspicion. [See, United States v. Martinez-Fuerte, 428 U.S. 543 (1976).]

With the increase in worksite enforcement operations it seems prudent to discuss the nature of questioning in that type of environment. While not invoking the more exacting requirements imposed by the U.S. Supreme Court when dealing with roving patrols [See, United States v. Brignoni-Ponce, 422 U.S. 873 (1975)], members of the Court have raised the issue [by way of a dissenting opinion] and signaled their opinion that there just might be the need for a higher threshold in the worksite enforcement arena. Given the increase in these types of operations, the Court could very easily be in a position to address once again the use of INA 287(a)(1) during a worksite enforcement operation.

To ICE officers/agents who are currently involved in the worksite enforcement world, for now, the law would support the position that this authority is available during properly executed site inspections conducted pursuant to 8 CFR 287.8(f)(1) and (2). What the law allows, and how ICE chooses to conduct itself during enforcement operations may not always coincide.

Currently, worksite operations are briefed and conducted pursuant to the Court’s majority opinion in I.N.S. v. Delgado, 466 U.S. 210 [i.e. lawful presence in factory followed by consensual encounters]. Delgado allows for consensual questioning and moving from person to person in the worksite while in the process of checking status. No 4th amendment issue is present as there is no seizure according to the Court. A fair reading of federal case law appears clear on the matter.

If an officer/agent reasonably suspects [based upon 2 or more articulable facts] that an individual he has encountered during worksite enforcement is or may be an alien, detention is authorized to interrogate about lawful presence. The existence of lawful authority does not automatically mean ICE will always make use of the authority. <i>ICE has the ability to require its officers and agents, as a matter of policy, to live by a "higher" standard than that established by statute, regulation, and case law.</i> Accordingly, should ICE choose to issue nation-wide guidance for worksite enforcement operations that says detention of an alien requires the officer/agent to reasonably suspect the individual is either an alien unlawfully present in the United States or an alien with status who is deportable, such a policy controls the officer's/agent's scope of authority in that instance. Upon arrival in the field, if you are going to become involved in worksite enforcement operations, pay particular attention to the pre-operational briefings to ensure you are acting within operational orders. The provisions of INA 287(c) must be remembered when discussing the prospects of interrogating aliens about their status. INA 287(e) prevents officers from walking onto a farm or other outdoor agricultural operation for the express purpose of asking people [e.g. employees of the operation] if they have illegally crossed the border or otherwise have the lawful right to be in the United States. INA 287(a)(3) is a general authority granted to Border Patrol Agents and ICE Special Agents to enter onto private lands within 25 miles of the border for the specific purpose of patrolling the border. It is the only recognized exception to the provisions of INA 287(c).	
2. 287(a)(2) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of aliens, or to arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained or his arrest, but the alien arrested shall be taken	During a routine Service investigative search of a restaurant, an alien produced two documents (an executed warrant of arrest and an order of supervision) in different names. The investigator was justified in believing the alien to be in the United States in violation of law and likely to escape before a warrant of arrest could be obtained. Following the arrest the alien was taken without unnecessary delay for examination before a Service officer who took an affidavit from him and obtained an order to show cause and a

without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter ore remain in the United States.	warrant of arrest. The alien's arrest without a warrant was not illegal and the documents produced by him during the search and the affidavit obtained following arrest are admissible in evidence in deportation proceedings. [See: <u>Matter of Yam</u> 12 I. & N. 676 (BIA 1968)]
3. 287(a) (3) within a reasonable distance from any external boundary of the United States, to board and search for aliens any vessel within the territorial. Waters of the United States and any railway car, aircraft, conveyance, or vehicle, and within a distance of 25 miles from any such external boundary to have access to private lands, but not dwellings for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States	This authority is only available to deportation officers who are in the uniform of an immigration inspector and performing inspections, or supervising other immigration inspectors performing inspections (seaport operations only). Not a likely occurrence given the creation of DHS and the specific mission of CBP being separate from that of DRO's mission within ICE.
4. 287(a)(4) —to make arrests for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens, if he has reason to believe that the person so arrested is guilty of such felony and if there is a likelihood of the person escaping before a warrant can be obtained for his arrest, but the person arrested shall be taken without unnecessary delay before the nearest available officer empowered to commit persons charges with offenses against the laws of the United States.	Arrests for offenses mentioned in INA § 287(a)(4) can also be made with arrest warrants where the alien is not likely to escape or absent exigent circumstances. In these situations, a Federal District Court Judge or U.S. Magistrate must issue the criminal warrant of arrest.
5. 287(a)(5)(A) —to make arrests for any offense against the United States, if the offense is committed in the officer's or employee's presence	In 2003 the training and authorization for INA § 287(a)(5)(A) arrest authority was instituted and by regulation it was extended to those individuals listed in 8 CFR § 287.5(c)(3). Additionally, by Memorandum dated 11/26/2003 from the Office of the Assistant Secretary for ICE, ICE Special Agents, Deportation Officers, and Immigration Enforcement Agents who have successfully completed the basic immigration law enforcement training [including by <i>de facto</i> incorporation, those who complete the

	Equivalency Training Program ("ETP") have been granted the authority to use INA § 287(a)(5)(A) arrest authority.
6. 287(a) (5) (B) —for any felony cognizable under the laws of the United States, if the officer or employee has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony, if the officer or employee is performing duties relating to the enforcement of the immigration laws at the time of the arrest and if there is a likelihood of the person escaping before a warrant can be obtained for his arrest.	<u><i>In the very same memorandum mentioned above, the Assistant Secretary for ICE specifically withheld permission from Immigration Enforcement Agents and Deportation Officers to exercise the arrest authority contained in INA § 287(a)(5)(B).</i></u>
B. 287(b)—Administration of oaths and taking of evidence —any officer or employee of the Service, shall have power and authority to administer oaths and to take can consider evidence concerning the privilege of any person to enter, reenter, pass through, or reside in the United States, or concerning any matter which is material or relevant to the enforcement of the INA	Remember that the line of inquiry and questions must be material and relevant to the matter being investigated.
1. Penalty of perjury —also under 287(b), any person to whom such oath has been administered, under the provisions of this Act, who shall knowingly or willfully give false evidence or swear (or subscribe under penalty of perjury as permitted under section 1746 of title 28, US Code) to any false statement concerning any matter in this subsection shall be guilty of perjury and shall be punished as provided by section 1621, title 18, USC.	False testimony must be knowingly or willfully provided by the declarant in order for criminal prosecution to be a possibility.
C. 287(c) Search without warrant —any officer, whether individually or as one of a class, shall have power to conduct a search, without warrant, of the person, and of the personal effects in the possession of any person seeking admission to the United States, concerning whom such officer may have reasonable cause to suspect that grounds exist for denial of admission to the United States under this Act which would be disclosed by such search.	This section is specific to applicants for admission at the borders: As inspection of aliens is the specific mission of CBP and it's officers, this authority will most likely never be exercised by Deportation Officers
D. 287(d) Detainer (sic) of aliens for violation of controlled substance laws —In the case of an alien who is arrested by a Federal, State, or local law enforcement official for a violation of any law relating to controlled substances, if the	

official (or another official):	
1. has reason to believe that the alien may not have been lawfully admitted to the United States or otherwise is not lawfully present in the United States,	
2. expeditiously informs an appropriate officer of the Service authorized and designated by the Attorney General of the arrest and of facts concerning the status of the alien, and	Note: The use of the term “Service” at left occurs because this is the actual language of the C.F.R. provision.
3. requests the Service to determine promptly whether or not to issue a detainer to detain the alien, the officer or employee of the Service shall promptly determine whether or not to issue such a detainer. If such a detainer is issued and the alien is not otherwise detained by Federal, State, or local officials, the Attorney General shall effectively and expeditiously take custody of the alien	
E. 287(e) Restriction on warrantless entry in case of outdoor agricultural operations—an officer or employee of the Service may not enter without the consent of the owner (or agent thereof) or a properly executed warrant onto the premises of a farm or other outdoor agricultural operation for the purpose of interrogating a person believed to be alien as to the person’s right to be or to remain in the United States. This provision does not bar officers from entering onto private lands, including a farm or other outdoor agricultural operation, pursuant to INA 287(a)(3), as long as the purpose is to patrol the border (i.e., line watch).	287(e) is a prohibition rather than the granting of an authority. Its provisions are subject to the power and authority granted in INA 287(a)(3) with regards to patrolling the border. Note: The use of the term “Service” at left occurs because this is the actual language of the C.F.R. provision.
F. 287(f) Fingerprinting and photographing of certain aliens	
1. Under regulations of the Attorney General, the Commissioner shall provide for the fingerprinting and photographing of each alien 14 years of age or older against whom a proceeding is commenced under section 240	All aliens 14 years of age or greater are fingerprinted and photographed as part of the removal process.
2. Such fingerprints and photographs shall be made available to Federal, State, and local law enforcement	

agencies upon request	
G. 287(g) Performance of immigration officer functions by state officers and employees	
1. The Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension or detention of aliens in the United States (including the transportation of such aliens across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to extent consistent with State and local law	287(g) training for local and State law enforcement officers is an ongoing, collaborative effort between Detention and Removal Operations and the ICE Office of Investigations. Trainees fall into two categories, jailors and task force officers. Pursuant to Memorandums of Understanding, several State and local law enforcement agencies have obtained the required training for a small cadre of employees. As of August 2007 Alabama, Florida, Arizona, Colorado, Tennessee, Virginia, North Carolina, and California were all venues for 287(g) training courses.
IV. 8 C.F.R. 287.5 Exercise of power by Immigration Officers	
A. Power and authority to interrogate and administer oaths —Any immigration officer is authorized and designated to exercise anywhere in or outside the United States the power conferred by:	8 C.F.R. 287.5 (a)
1. Section 287(a)(1) INA to interrogate, without warrant, any alien or person believed to be an alien concerning his or her right to be, or remain in the United States, and	8 C.F.R. 103.1(b) identifies who has been designated an Immigration Officer.
2. Section 287(b) INA to administer oaths and to take and consider evidence concerning the privilege of any person to enter, reenter, pass through, or reside in the United States; or concerning any matter which is material or relevant to the enforcement of the Act and the administration of the immigration and naturalization functions of the Department.	
B. Power and authority to patrol the border —the following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the power to patrol the border conferred by section 287(a)(3) INA:	8 C.F.R. 287.5(b)

1. Border patrol agents	
2. Special agents	
3. Immigration inspectors (seaport only)	
4. Adjudications officers and deportation officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections (seaport inspections only);	
5. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
6. Immigration officers who need the authority to patrol the border under section 287(a)(3) INA to effectively accomplish their individual missions, and who are designated, by the Commissioner of CBP, or the Assistant Secretary for ICE	
C. Power and authority to arrest	8 C.F.R. 287.5(c)
1. Arrests of aliens under section 287(a) (2) INA for immigration violations. The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the arrest power conferred by section 287(a)(2) INA in accordance with 8 C.F.R. 287.8(c):	
1. Border Patrol Agents	
2. Special agents	
3. Deportation officers	
4. Immigration inspectors	
5. Adjudications officers	
6. Immigration enforcement agents	
7. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
8. Immigration officers who need the authority to arrest aliens under section 287(a)(2) INA in order to effectively accomplish their individual missions and who are designated, by the Commissioner of CBP, the Assistant Secretary for ICE, or the Director of the BCIS	
D. Arrests of persons under section 287(a) (4) INA for felonies regulating the admission or removal of aliens. The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized	

and designated to exercise the arrest power conferred by section 287(a)(4) INA and in accordance with 8 C.F.R. 287.5(c)(2) and 8 C.F.R. 287.8(c):	
1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Immigration inspectors	
5. Adjudications officers	
6. Immigration enforcement agents	
7. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
8. Immigration officers who need this authority to arrest persons under section 287(a) (4) INA to effectively accomplish their individual missions and who are designated by the Commissioner of CBP, Assistant Secretary for ICE, or the CIS Director	
E. Arrests of persons under section 287(a)(5) INA for any offense against the United States. The following immigration officers who have successfully completed basic immigration law enforcement training are authorized and designated to exercise the arrest power conferred by section 287(a)(5) INA and in accordance with 8 C.F.R. 287.5(c)(3) and 8 C.F.R. 287.8(c):	
1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Immigration inspectors (permanent, full time only)	
5. Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections;	
6. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
7. Immigration officers who need the authority to arrest persons under section 287(a)(5)(A) INA in order to effectively accomplish their individual missions and who are designated by the Commissioner of CBP, or the Assistant Secretary	

for ICE	
G. Arrests of persons under section 274(a) INA who bring in, transport, or harbor certain alien, or induce them to enter	8 C.F.R. 287.5(c)(5)
1. Section 274(a) INA authorizes designated immigration officers to arrest person who bring in, transport, or harbor aliens, or induct them to enter the United States in violation of law.	
2. The following immigration officers who have successfully completed basic immigration law enforcement training are authorized to exercise the arrest power conferred by section 274(a) INA:	
1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Immigration inspectors	
5. Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections	
6. Supervisory or managerial personnel who are responsible for supervising the activities of those officers	
7. Immigration officers who need the authority to arrest persons under section 274(a) INA to effectively accomplish their individual missions and who are designated by the Commissioner of CBP, or the Assistant Secretary for ICE	
<u>Important Note:</u> 8 USC 1324(c) says that the Attorney General has the authority to designate which immigration officers may make arrests for a violation of 8 USC 1324(a) - Bringing In and Harboring Certain Aliens (alien smuggling). Pursuant to 8 CFR § 287.5(c)(5) Immigration Enforcement Agents (IEAs) <u>may not</u> at the present time make arrests for violations of 8 USC 1324(a). This restriction is the result of a policy decision made when the IEA position was established. INA § 287(a)(4) authority <u>cannot</u> be used by an IEA to justify the presence of authority to make an arrest for a violation of 8 USC 1324(a). A related restriction of authority is found in 8	

CFR § 287.5(c)(3) where the Attorney General has given IEAs the authority to serve warrants of arrest for administrative immigration violations only, and not immigration related criminal arrest warrants.	
H. Custody and transportation of previously arrested persons	8 C.F.R. 287.5(c)(6)
1. In addition to the authority to arrest pursuant to a warrant of arrest, detention enforcement officers and immigration enforcement agents who have successfully completed basic immigration law enforcement training are authorized to take and maintain custody of and transport any person who has been arrested by an immigration officer	
I. Power and authority to conduct searches —the following immigration officers who have successfully completed basic immigration law enforcement training are authorized to exercise the power to conduct searches conferred by section 287(c) INA:	8 C.F.R. 287.5(d)
1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Immigration inspectors	
5. Adjudications officers	
6. Immigration enforcement agents	
7. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
8. Immigration officers who need the authority to conduct searches under section 287(c) INA to effectively accomplish their individual missions and who are designated by the Commissioner of CBP, the Assistant Secretary for ICE, or the Director of the BCIS.	
J. Power and authority to execute warrants	8 C.F.R. 287.5(e)(1)
1. Search warrants —The following immigration officers who have successfully completed basic immigration law enforcement training are authorized to exercise the power conferred by section 287(a) INA to execute a search warrant:	

1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Immigration enforcement agents	
5. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
6. Immigration officers who need the authority to execute search warrants under section 287(a) INA to effectively accomplish their individual missions and who are designated by the Commissioner of CBP or the Assistant Secretary for ICE	
K. Issuance of arrest warrants for immigration violations	8 C.F.R. 287.5(e)(2)
1. A Warrant of Arrest may be issued by an immigration officer who has been authorized or delegated such authority:	I-200
1. District directors (except foreign)	
2. Deputy district directors (except foreign)	
3. Assistant district directors for investigations	
4. Deputy assistant district directors for investigations	
5. Assistant district directors for deportation	
6. Deputy assistant district directors for deportation	
7. Assistant district directors for examinations	
8. Deputy assistant district directors for examinations	
9. Officers in charge (except foreign)	
10. Assistant officers in charge (except foreign)	
11. Chief patrol agents	
12. Deputy chief patrol agents	
13. Assistant chief patrol agents	
14. Patrol agents in charge	
15. Assistant patrol agents in charge	
16. Field operations supervisors	
17. Special operations supervisors	
18. Supervisory border patrol agents	
19. Assistant Commissioner, Investigations	
20. Institutional hearing program directors	
21. Area port directors	
22. Port directors	

23. Deputy port directors	
24. Supervisory deportation officers	
25. Supervisory detention and deportation officers	
26. Director, Office of Detention and Removal	
27. Special agents in charge	
28. Deputy special agents in charge	
29. Associate special agents in charge	
30. Assistant special agents in charge	
31. Resident agents in charge	
32. Field office directors	
33. Deputy field office directors	
34. District field officers	
L. Service of Warrants of arrest for immigration violations	8 C.F.R. 287.5(e)(3)
1. The following officers who have successfully completed basic immigration law enforcement training are authorized to exercise the power pursuant to section 287(a) INA to execute warrants of arrest for administrative immigration violations issued under section 236 INA or to execute warrants of criminal arrest issued under authority of the United States:	
1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Detention enforcement officers or immigration enforcement agents (<u>warrants of arrest for administrative immigration violations only</u>)	
5. Immigration inspectors	
6. Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections	
7. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
8. Immigration officers who need the authority to execute arrest warrants for immigration violations under section 287(a) INA to effectively accomplish their individual missions and who are designated by the Commissioner of CBP, or the Assistant Secretary for ICE	

M. Service of Warrants of arrest for non-immigration violations	8 C.F.R. 287.5(e)(4)
1. The following immigration officers who have successfully completed basic immigration law enforcement training are authorized to exercise the power to execute warrants of criminal arrest for non-immigration violations issued under authority of the United States:	
1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Immigration enforcement agents	
5. Supervisory and managerial personnel who are responsible for supervising the activities of those officers	
6. Immigration officers who need the authority to execute warrants of arrest for non-immigration violations under section 287(a) INA to effectively accomplish their individual missions and who are designated by the Commissioner of CBP, or the Assistant Secretary for ICE.	
N. Power and authority to carry firearms	8 C.F.R. 287.5(f)
1. The following immigration officers who have successfully completed basic immigration law enforcement training are authorized to exercise the power conferred by section 287(a) INA to carry firearms, provided they are individually qualified by training and experience to handle firearms, maintain proficiency of such firearms, and adhering to the provisions outlined in the use of force policy and the ICE Firearms policy.	
1. Border patrol agents	
2. Special agents	
3. Deportation officers	
4. Detention enforcement officers or immigration enforcement agents	
5. Immigration inspectors	
6. Adjudications officers when in the uniform of an immigration inspector and performing inspections of supervising other immigration inspectors performing inspections	
7. Supervisory and managerial personnel who are	

responsible for supervising the activities of those officers	
8. Immigration officers who need the authority to carry firearms under section 287(a) INA to effectively accomplish their individual missions and who are designated by the Commissioner of CBP, or the Assistant Secretary for ICE	
V. Summary	
1. This course has provided an overview of how to properly conduct law enforcement encounters with the public. This includes the questioning of an individual consensually, making a seizure for a brief investigatory interrogation [with properly developed reasonable suspicion], and a criminal or administrative arrest based on probable cause. Keep in mind that:	
a. The factual foundation required to establish mere suspicion, reasonable suspicion, and probable cause, as well as the proof requirements for the terms “preponderance of evidence” and “beyond a reasonable doubt” are outlined in the law.	
b. Reasonable suspicion is established through a multitude and totality of circumstances, including the suspect’s reputation, reports of recent criminal activity in the area, time of day, location, prior information, suspicious conduct consistent with criminal activity, the suspect’s behavior upon encountering a Law Enforcement Officer, and officer expertise, experience, and observations.	Totality of factors should always be considered; a single factor alone is not sufficient
2. A Deportation Officer’s authority to arrest aliens is derived from several sources:	
a. arrests with a warrant under Section 236(a) INA	
b. arrests without a warrant under Section 287 INA	
3. Several standard forms are utilized in the acquisition of a Warrant of Arrest, and thereafter other issuers must be addressed, to include custody conditions for the subject arrested and conditions of bond or release, if applicable.	

4. Section 287 INA has created multiple authorities, which are potentially available to Immigration Officers. These have been outlined by section within the course.	
5. 8 C.F.R. 287.5 identifies specific authorities granted to individual Immigration Officers by class. These have been outlined by section within the course.	
6. It is imperative for the Deportation Officer to have sound knowledge of the authorities conferred upon them by statute and regulation. Read and understand INA 287 and 8 C.F.R. 287.5, which address these authorities as outlined in law and regulation. A Deportation Officer should utilize all other applicable reference materials to aid in the performance of his official duties.	

Department of Homeland Security



U.S. Immigration
and Customs
Enforcement

Homeland Security Investigations

Search and Seizure Handbook

HSI HB 10-05

August 18, 2010

~~OFFICIAL USE ONLY~~

Foreword

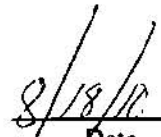
The Search and Seizure Handbook provides a single source of national policies, procedures, responsibilities, guidelines, and controls to be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents (SAs) when conducting search and seizure activities within the scope of their authority. This Handbook contains instructions and guidance to help ensure uniformity and operational consistency among all HSI field offices. (Note: On June 9, 2010, the ICE Offices of Investigations (OI), International Affairs, and Intelligence were realigned under HSI. Throughout this Handbook, documents issued prior to the June 9, 2010 realignment are referred to by their original titles, e.g., the OI (instead of "HSI") Case Management Handbook.)

Chapter 42 of the U.S. Customs Service (USCS) OI SA Handbook entitled "Search and Seizure"; Chapter 17 of the Immigration and Naturalization Service (INS) SA Field Manual entitled "Search and Seizure" and its Appendix 17-1, "Seizure Work Sheet"; Chapter 5-1 of the INS Investigator's Handbook entitled "Search and Seizure"; and all other documents on searches and seizures issued by USCS or INS are hereby superseded. The Search and Seizure sections of INS Manual (M-69) entitled, "The Law of Arrest, Search and Seizure," no longer apply to ICE HSI. (Note: The Arrest section of M-69 ceased to apply to HSI when OI Handbook 07-02, "Arrest Procedures Handbook," was issued on October 4, 2007.)

The Search and Seizure Handbook is an internal policy of HSI and is not intended to confer any right or benefit on any private person or party. If disclosure of this Handbook or any portion of it is demanded in any judicial or administrative proceeding, the HSI Information Disclosure Unit, as well as the appropriate ICE Counsel and/or U.S. Attorney, should be consulted so that appropriate measures can be taken to invoke privileges against disclosure. This Handbook contains information which may be exempt from disclosure to the public under the Freedom of Information Act, Title 5, United States Code, Section 552(b), and protected from disclosure in civil discovery pursuant to the law enforcement privilege. Any further request for disclosure of this Handbook or information contained herein should be referred to the HSI Information Disclosure Unit.

The HSI Policy Unit is responsible for coordinating the development and issuance of HSI policy. All recommended revisions to this Handbook should be submitted to the HSI Policy Unit.



James A. Dinkins
Executive Associate Director
Homeland Security Investigations

Date

SEARCH AND SEIZURE HANDBOOK

Table of Contents

Chapter 1. PURPOSE AND SCOPE.....	1
Chapter 2. INTRODUCTION	1
Chapter 3. DEFINITIONS.....	1
• 3.1 Actual Border	1
• 3.2 Admissibility	2
• 3.3 Affidavit	2
• 3.4 Anticipatory Search Warrant.....	2
• 3.5 Articulable Facts	2
• 3.6 Border Nexus.....	2
• 3.7 Border Search	2
• 3.8 Consensual Encounter	2
• 3.9 Contraband	2
• 3.10 Curtilage	2
• 3.11 Customs Waters.....	3
• 3.12 Diplomat.....	3
• 3.13 Documents.....	3
• 3.14 Electronic Device	3
• 3.15 Exclusionary Rule	3
• 3.16 Extended Border Search.....	4
• 3.17 Facilitating Property	4
• 3.18 Forfeitable Evidence	4
• 3.19 Forfeitable Seized Property	4
• 3.20 Frisk.....	4
• 3.21 Fruit of the Poisonous Tree	4
• 3.22 Functional Equivalent of the Border	4
• 3.23 Government.....	5
• 3.24 High Seas.....	5
• 3.25 Immediate Patdown.....	5
• 3.26 Inland Waters	5
• 3.27 Investigative Detention	5
• 3.28 Level of Suspicion.....	5
• 3.29 Merchandise	5
• 3.30 Non-Forfeitable Evidence	5
• 3.31 Plain Touch	6

• 3.32	Plain View	6
• 3.33	Pretextual Search or Seizure	6
• 3.34	Probable Cause	6
• 3.35	Proceeds	6
• 3.36	Protective Sweep	6
• 3.37	Reasonable Certainty	6
• 3.38	Reasonable Expectation of Privacy	6
• 3.39	Reasonable Suspicion	7
• 3.40	Search	7
• 3.41	Seizure	7
• 3.42	“Sneak and Peek” Search Warrant	7
• 3.43	Some or Mere Suspicion	7
• 3.44	Straw Owner	7
• 3.45	Telephonic Search Warrant	7
• 3.46	Warrant	7
Chapter 4. RESPONSIBILITIES		8
• 4.1	Executive Associate Director, Homeland Security Investigations	8
• 4.2	Special Agents in Charge	8
• 4.3	Special Agents	8
Chapter 5. FOURTH AMENDMENT CONSTITUTIONAL SAFEGUARDS		8
• 5.1	Constitutional Requirements	8
• 5.2	Possible Consequences of Improper Searches and Seizures	8
• 5.3	The Fourth Amendment	9
• 5.4	Concept of Level of Suspicion	10
• 5.5	Articulable Facts	10
• 5.6	Totality of the Circumstances	11
• 5.7	Levels of Suspicion	11
• 5.8	Elements of a Seizure	12
• 5.9	Elements of a Search	13
• 5.9.1	Government vs. Private Intrusion	13
• 5.9.2	Reasonable Expectation of Privacy	13
• 5.9.3	Reasonable Expectation of Privacy and the Use of Technology	15
Chapter 6. SEIZURES		15
• 6.1	Seizures of Persons	15
• 6.2	Consensual Encounters	15
• 6.3	Investigative Detentions	16
• 6.4	Frisks	17

• 6.5	Plain Touch	17
• 6.6	Investigative Detentions of Vehicles.....	17
• 6.7	Pretextual Stops.....	17
• 6.8	Property Seizures.....	18
• 6.9	Investigative Detentions of Property.....	18
• 6.10	Seizure of Property as Evidence.....	19
• 6.11	Seizure of Property for Forfeiture	19
• 6.11.1	Contraband	20
• 6.11.2	Determining What May Be Seized for Forfeiture.....	20
• 6.11.3	Proportionality and the Eighth Amendment.....	23
• 6.11.4	Seizure Warrants	23
• 6.11.5	Asset Identification and Removal Groups	24
Chapter 7. SEARCHES WITH A WARRANT		25
• 7.1	Obtaining a Criminal Search Warrant.....	25
• 7.2	Contents of a Search Warrant Affidavit.....	26
• 7.3	Issuance of a Search Warrant	27
• 7.4	Telephonic Search Warrants	27
• 7.5	Anticipatory Search Warrants	28
• 7.6	“Sneak and Peek” Search Warrants	29
• 7.7	Preparing for the Execution of a Search Warrant	29
• 7.7.1	Operational Plan	30
• 7.7.2	Personnel Assignments	30
• 7.7.3	State and Local Law Enforcement Notification/Participation	31
• 7.7.4	Pre-Execution Briefing	31
• 7.7.5	Notification of the National Law Enforcement Communications Center	31
• 7.8	Executing a Search Warrant.....	32
• 7.8.1	What May Be Searched.....	33
• 7.8.2	Inventory and Receipt	33
• 7.9	Return of the Search Warrant.....	34
• 7.10	Post-Execution Debriefing	34
• 7.11	Civil Search Warrants	34
• 7.11.1	Customs Search Warrants	34
• 7.11.2	Civil/Administrative Search Warrants Under the Immigration and Nationality Act	35
• 7.11.3	<i>Blackie’s</i> Warrants	35
• 7.11.4	<i>Barlow’s</i> Warrants.....	36

Chapter 8. SEARCHES WITHOUT A WARRANT36

• 8.1	Search Incident to Arrest.....	37
• 8.2	Protective Sweep.....	38
• 8.3	Exigent Circumstances.....	38
• 8.3.1	Hot Pursuit.....	38
• 8.3.2	Destruction or Removal of Evidence.....	38
• 8.3.3	Protection or Preservation of Life.....	39
• 8.4	Consent.....	39
• 8.4.1	Voluntariness of Consent.....	39
• 8.4.2	Authority to Grant Consent.....	40
• 8.4.3	The Scope of Consent.....	40
• 8.5	Mobile Conveyance Search.....	40
• 8.6	Inventories.....	41
• 8.6.1	Procedures for Inventory Searches.....	41
• 8.7	Detector Dog Screenings.....	42
• 8.8	Regulatory Searches.....	42
• 8.9	Administrative Searches.....	43

Chapter 9. CUSTOMS BORDER SEARCH AUTHORITY43

• 9.1	Customs Border Search.....	43
• 9.2	Customs Officer.....	43
• 9.3	Merchandise.....	44
• 9.4	Actual Border.....	44
• 9.5	Functional Equivalent of the Border.....	44
• 9.6	Functional Equivalent of the Border Outbound.....	45
• 9.7	Extended Border.....	46
• 9.8	Scope of a Customs Border Search.....	46
• 9.9	Personal Border Searches.....	46
• 9.10	Customs Border Searches of Conveyances.....	48
• 9.11	Border Searches of Documents, Electronic Devices, and Electronic Media.....	48
• 9.11.1	Policy.....	48
• 9.11.2	Timeliness of Review.....	48
• 9.11.3	Requesting Assistance with a Documentary Search.....	49
• 9.11.4	Sharing with Outside Agencies.....	50
• 9.11.5	Travel and Identification Documents.....	50
• 9.11.6	Attorney-Client Privilege.....	51
• 9.11.7	Border Searches of Foreign Mail.....	51

Chapter 10. IMMIGRATION BORDER AUTHORITY	51
• 10.1 Questioning and Routine Searches at the Functional Equivalent of the Border.....	52
• 10.2 Access to Lands Within 25 Miles of the Border	52
• 10.3 Vehicle Stops and Searches.....	53
Chapter 11. CUSTOMS MARITIME AUTHORITY AND AVIATION SMUGGLING	53
• 11.1 Customs Waters.....	54
• 11.2 Inland Waters	54
• 11.3 High Seas.....	54
• 11.4 Authority to Hail, Board, and Check Documents	54
• 11.5 Protective Sweeps of Vessels	55
• 11.6 Hovering Vessels, Vessels Failing to Display Lights, and Vessels Subject to Pursuit.....	55
• 11.7 Aviation Smuggling	55
• 11.8 Authority to Request Documents Under Federal Aviation Regulations	56
Chapter 12. DIPLOMATIC IMMUNITY	56
• 12.1 Diplomatic Identification	56
• 12.2 Treatment of Diplomats	56
• 12.3 Foreign Embassies and Diplomatic Missions	57
• 12.4 Diplomats Employed by the U.S. Government.....	57
 APPENDIX	
 Appendix A Acronyms	 A-i

SEARCH AND SEIZURE HANDBOOK

Chapter 1. PURPOSE AND SCOPE

The U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Search and Seizure Handbook establishes policy and procedures to be followed by HSI Special Agents (SAs) when conducting search and seizure activities within the scope of their authority.

Chapter 2. INTRODUCTION

Searches and seizures consistent with Fourth Amendment protections are among the most complex subjects for SAs. The search and seizure methods that HSI utilizes to enforce laws must conform to constitutional and statutory limitations as well as Department of Homeland Security (DHS), ICE, and HSI policy. HSI enforcement activities involve border operations and operations conducted in the interior of the United States. Since statutes, regulations, and case law, including Supreme Court decisions, cannot and do not address every factual scenario regarding search and seizure law, SAs must be attentive to decisions by their circuit courts and prosecutorial policies in their particular districts. SAs make many decisions concerning searches and seizures when confronted with immediate and compelling circumstances in the field. Faced with developing situations, SAs do not always have the opportunity to consult reference materials or policy documents, or to seek the advice of their local Office of the Chief Counsel (OCC) or the appropriate U.S. Attorney's Office (USAO).

It is important, therefore, for SAs to understand and apply the principles of search and seizure laws, policies, and procedures. It is also important for SAs to recognize that the law concerning searches and seizures is intricate and continually evolving. This Handbook is intended neither as a substitute for more detailed study of the pertinent laws and regulations, nor as a replacement for prudent consultation with supervisors, ICE attorneys, and prosecutors.

Chapter 3. DEFINITIONS

The following definitions are provided for the purposes of this Handbook:

3.1 Actual Border

On land, the dividing line between the United States and Canada or Mexico. On the sea, 3 nautical miles from the coast of the United States; in Texas and the Gulf coast of Florida, 9 nautical miles from the coast. In the air, the actual border extends directly upward from the land and sea borders.

3.2 Admissibility

The eligibility of an individual to be legally admitted into the United States, as ascertained by an immigration officer.

3.3 Affidavit

A voluntary declaration of facts written down and sworn to by the declarant before a judicial officer authorized to administer oaths, such as a federal judge or magistrate.

3.4 Anticipatory Search Warrant

A search warrant issued based on an affidavit showing probable cause that, at some future time following the occurrence of a specific triggering event, evidence of a certain crime will be located at a specified place.

3.5 Articulable Facts

Clear and distinct facts stating objective observations and reasonable inferences used to justify levels of suspicion on the part of SAs.

3.6 Border Nexus

A situation in which a person or thing either crosses the border or has come in contact with someone or something that crossed the border.

3.7 Border Search

A search for merchandise conducted at the border of the United States, or a search for persons conducted at the border of the United States for the purpose of excluding illegal aliens.

3.8 Consensual Encounter

An encounter between an SA and an individual during which the individual believes he or she is free to terminate the encounter and leave at any time.

3.9 Contraband

Merchandise that is unlawful to import, export, or possess.

3.10 Curtilage

Curtilage is the immediate area surrounding a residence wherein the intimate activity associated with the sanctity of the home and the privacies of life occurs. Curtilage, like a residence, is protected under the Fourth Amendment from unreasonable searches and seizures. Reasonable is determined on a case-by-case basis, considering:

- 1) The distance from the home to the place claimed to be curtilage (the closer to the home, the more likely it is curtilage);
- 2) Whether the area claimed to be curtilage is included within an enclosure surrounding the home (the absence of an enclosure alone does not mean that it is not curtilage; however, the presence of an enclosure heightens the probability that the area will be deemed curtilage);
- 3) The nature of the area's use (if it is the site of domestic activities, it is more likely to be a part of the curtilage); and
- 4) The steps taken by the resident to protect the area from observation by the public (shielding from public view will favor finding that the portion is curtilage).

3.11 Customs Waters

A body of water wherein U.S. authorities may enforce the laws of the United States. In the absence of a treaty or other arrangement, customs waters extend seaward 12 nautical miles from the mean low water mark of the United States.

3.12 Diplomat

A representative of a foreign government who has been recognized and accredited by the U.S. Department of State to represent that government in the United States or at the United Nations.

3.13 Documents

All papers and other written documentation including, but not limited to, those relating to an alien's identity and/or admissibility; those relating to the import and/or export of merchandise to and from the United States; materials such as books, pamphlets, and printed or manuscript material; monetary instruments; and written materials commonly referred to as "pocket trash" or "pocket litter."

3.14 Electronic Device

Any device that is capable of containing or storing electronic information, such as computers, disks, drives, tapes, mobile phones and other communications devices, cameras, music players, and any other electronic or digital devices.

3.15 Exclusionary Rule

The rule that excludes or suppresses evidence obtained in violation of an accused person's constitutional rights.

3.16 Extended Border Search

A border search (see Section 3.7) conducted within the United States away from the actual border (see Section 3.1) or functional equivalent of the border (see Section 3.22) under circumstances in which SAs have a reasonable certainty (see Section 3.37) that a person or thing had or will have border nexus (see Section 3.6), reasonable certainty of no material change since or prior to border nexus, and reasonable suspicion (see Section 3.39) that the person or thing is involved in criminal activity.

3.17 Facilitating Property

Property that is used in furtherance of criminal activity. Such property may be subject to forfeiture.

3.18 Forfeitable Evidence

Seized property that is needed as evidence of criminal activity and is subject to forfeiture. (This type of property was historically referred to as “dual-status evidence.”)

3.19 Forfeitable Seized Property

Property that has been lawfully seized and for which there is a statutory provision for its forfeiture. Included are facilitating property (see Section 3.17) and proceeds of criminal activity (see Section 3.35).

3.20 Frisk

A pat down search of a person for concealed weapons conducted in conjunction with an investigative detention.

3.21 Fruit of the Poisonous Tree

The rule that evidence derived from an illegal search, arrest, or interrogation is inadmissible because the evidence (the “fruit”) was tainted by the illegality (the “poisonous tree”).

3.22 Functional Equivalent of the Border

An area of the United States away from the actual border where: (1) an SA has reasonable certainty that a person or thing has crossed the border inbound, will cross the border outbound, or has come in contact with someone or something that crossed the border; (2) the SA has reasonable certainty that there has been or will be no material change in the person or thing between now and the border crossing; and (3) the search occurs at the first practical detention point inbound or the last practical detention point outbound.

3.23 Government

All government employees, whether SAs, other law enforcement officers, or civil authorities, such as building inspectors, health inspectors, or firefighters.

3.24 High Seas

The open waters of an ocean or sea more than 12 nautical miles from the territorial jurisdiction of a country.

3.25 Immediate Patdown

A search of a person, similar in scope and method to a frisk, but conducted at the border, based on reasonable suspicion that an individual is armed.

3.26 Inland Waters

Any natural or artificial body or stream of water within the territorial limits of a country, such as a bay, gulf, river, creek, harbor, port, lake, or canal. The inland waters of the United States are waters that are: (1) inland from the coast of the United States; (2) inland from a line drawn from headland to headland of a river, bay, or inlet with access to the sea; or (3) the U.S. portion of the Great Lakes.

3.27 Investigative Detention

The brief detention of a person or object that does not constitute an arrest, based upon reasonable suspicion that the suspect or object was involved in a crime. The detention may last only long enough to confirm or dispel SAs' suspicions of criminal activity. An investigative detention of a person is often referred to as a "*Terry Stop*."

3.28 Level of Suspicion

The degree of certainty an SA has regarding a person's involvement in criminal activity or the location of evidence in a particular place.

3.29 Merchandise

Goods, chattels, and wares of every description, including merchandise whose importation is prohibited and monetary instruments.

3.30 Non-Forfeitable Evidence

Seized property that is needed as evidence of criminal activity but may be returned to the owner following the conclusion of judicial proceedings. (This type of seized property was historically referred to as "single-status evidence.")

3.31 Plain Touch

The principle that an SA, while conducting a legal pat-down search, may seize any contraband that the SA can immediately and clearly identify, by touch but not by manipulation, as being illegal or incriminating.

3.32 Plain View

An SA who is lawfully and legitimately in a certain location may seize evidence without a warrant provided that the incriminating nature of the object is immediately apparent to the SA and the SA is in a location where he or she can seize the object lawfully.

3.33 Pretextual Search or Seizure

A search or seizure justified by suspicion of one criminal violation, but used to investigate another.

3.34 Probable Cause

Facts and circumstances that would lead a reasonably prudent law enforcement officer to believe that a person has committed or is committing a crime or that a place contains specific items connected with a crime.

3.35 Proceeds

Something received upon selling, exchanging, collecting, or otherwise disposing of collateral. When the exchange is part of criminal activity, the proceeds may be forfeitable.

3.36 Protective Sweep

A brief, limited search of premises, conducted after SAs have lawfully entered the premises, based on a reasonable belief that such a search is necessary to protect the SAs or others from harm.

3.37 Reasonable Certainty

A level of suspicion greater than probable cause but less than “beyond a reasonable doubt.” The level of suspicion required to establish border nexus.

3.38 Reasonable Expectation of Privacy

A situation in which: (1) a person expects that a particular place or thing will remain free of government intrusion; and (2) society recognizes the expectation as a reasonable one.

3.39 Reasonable Suspicion

A particularized and objective belief by an SA, supported by specific and articulable facts, that a person or thing is involved in criminal activity.

3.40 Search

A government intrusion that invades a protected interest of an individual.

3.41 Seizure

A person is seized when the government interferes with an individual's freedom of movement, causing a reasonable person to believe that he or she is not free to terminate the encounter. An object is seized when the government meaningfully interferes with an individual's possessory right or interest.

3.42 "Sneak-and-Peek" Search Warrant

A warrant authorizing law enforcement officers to clandestinely enter private premises in the absence of the owner or occupant without prior notice, and to search the premises and collect intangible evidence. Information gathered while executing a sneak-and-peek warrant can later be used to support a search warrant under which physical evidence can be seized.

3.43 Some or Mere Suspicion

A hunch or subjective belief by an SA that a person or thing is involved in criminal activity based only on inconclusive or slight evidence.

3.44 Straw Owner

The titular owner of a property when the titular ownership is used to conceal the real owner. Straw owners may be used to avoid forfeiture or to falsify ownership for tax or other reasons.

3.45 Telephonic Search Warrant

A search warrant obtained, due to special circumstances, by telephonic or electronic communication rather than by a written affidavit presented in person.

3.46 Warrant

A writ directing or authorizing an SA to make an arrest, seize property, or conduct a search.

Chapter 4. RESPONSIBILITIES

4.1 Executive Associate Director, Homeland Security Investigations

The Executive Associate Director of HSI has overall responsibility for the oversight of the policies and procedures set forth in this Handbook.

4.2 Special Agents in Charge

Special Agents in Charge (SACs) are responsible for implementing the policies and procedures set forth in this Handbook within their respective areas of responsibility.

4.3 Special Agents

SAs are responsible for complying with the provisions of this Handbook.

Chapter 5. FOURTH AMENDMENT CONSTITUTIONAL SAFEGUARDS

5.1 Constitutional Requirements

The U.S. Constitution affects SAs' ability to conduct searches and seizures in several ways. First, it gives Congress the authority to enact laws and the Executive Branch the authority to enforce those laws. Congress, for example, has the authority to regulate trade and commerce with foreign nations, collect duties and taxes, and establish rules for citizenship, naturalization, and immigration. The Constitution also places limits on governmental conduct in order to protect the rights of the people.

As law enforcement officers employed by the Executive Branch, HSI SAs may enforce laws according to the statutory authority granted by Congress, but only in a manner within the limits established by the Constitution.

5.2 Possible Consequences of Improper Searches and Seizures

If SAs exceed their statutory authority or violate constitutional limitations or protections, potential consequences include:

- A. Suppression of Evidence. If SAs violate an individual's constitutional rights, the courts may suppress (exclude) evidence obtained as a result of the violation. Such evidence cannot be used in a criminal proceeding against the individual whose rights were violated. This is also referred to as the "Exclusionary Rule." It is designed to prevent law enforcement officers from violating constitutional safeguards by removing the incentive to do so.
- B. Exclusion of "Fruit of the Poisonous Tree." The courts may extend the Exclusionary Rule to apply to any evidence derived from a constitutional violation. If, for

example, SAs neglect to read a suspect his or her Miranda warnings prior to a custodial interrogation, and then use statements made during the interrogation to obtain a search warrant for the suspect's home, any evidence discovered during the residential search may be "tainted" by the constitutional violation committed during the interrogation. The evidence will likely be suppressed as "fruit of the poisonous tree."

- C. Civil Liability. The individual whose rights have been allegedly violated may file suit against the government, the SAs involved, or both for damages incurred which stem from the violation.
- D. Employment Consequences. SAs may be subjected to disciplinary action for exceeding their authority and acting in a manner contrary to law and/or DHS, ICE, or HSI policy.
- E. Criminal Prosecution. In some cases, SAs may be prosecuted for criminal misconduct relating to a constitutional or statutory violation.

5.3 The Fourth Amendment

The constitutional limitations on SAs' authority to conduct searches and seizures are found in the Fourth Amendment, which states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The Fourth Amendment protects against unreasonable searches and seizures and extends this protection to people and their property. It applies to all persons in the United States, whether citizen or noncitizen, and whether they are legally or illegally in the United States.

The Fourth Amendment also provides that all warrants shall be based on probable cause. The Fourth Amendment does not mandate a warrant for all searches or seizures, and the courts have recognized several exceptions under which a warrantless search is reasonable. (These exceptions, including border search authority, are discussed in subsequent chapters.)

The courts have overwhelmingly expressed a preference for searches and seizures with a warrant. As a result, it is always recommended that SAs obtain a warrant if time permits, if one of the specific exceptions to the warrant requirement does not apply, and especially if SAs have any doubt concerning whether or not a particular search or seizure requires a warrant.

5.4 Concept of Level of Suspicion

Ultimately, when an SA's conduct is challenged, a court will decide whether the SA acted in a reasonable manner. When determining whether the SA's actions were reasonable under the Fourth Amendment, the courts will compare the SA's conduct during the search or seizure to the level of suspicion that the SA had at the time the search or seizure was conducted. The level of suspicion is a label used to describe how certain the SA is that there was a violation of law. Generally, as a seizure or search grows broader in scope or becomes more intrusive, the required level of suspicion increases.

5.5 Articulable Facts

To establish a level of suspicion, the SA combines articulable facts – pieces of information that can be observed and put into words. The SA may use any reliable information to establish a level of suspicion, including, but not limited to:

- A. The SA's own observations of people and physical evidence.
- B. Information gathered from other SAs or other law enforcement officers. (Statements from law enforcement officers are generally presumed to be reliable.)
- C. Information available through law enforcement computer information systems.
- D. Information from third parties, such as informants. Some examples of ways in which a third party's credibility may be established are:
 - 1) Past Reliability. A record of having provided accurate information in the past is the most frequently used method of evaluating a third party's information.
 - 2) Amount of Detail. The courts will consider the amount of detail provided by the third party when judging the reliability of his or her information, especially if some of the details are corroborated by the SA's observations.
 - 3) Admissions. If the third party is involved in the crime and makes statements against his or her penal interest, he or she is more likely to be considered credible.
 - 4) Status as an Ordinary Citizen. An ordinary citizen who is providing information to the SA, not out of self-interest but merely to assist the SA in the enforcement of the law, is usually viewed as credible.
 - 5) Status as a Victim or a Witness to a Crime. Statements made by victims and/or witnesses to a crime are generally treated as credible.
 - 6) Corroboration. Whenever possible, information provided by third parties should be supported by firsthand observations by the SA or other law enforcement officers. This is especially important if the information is coming from an

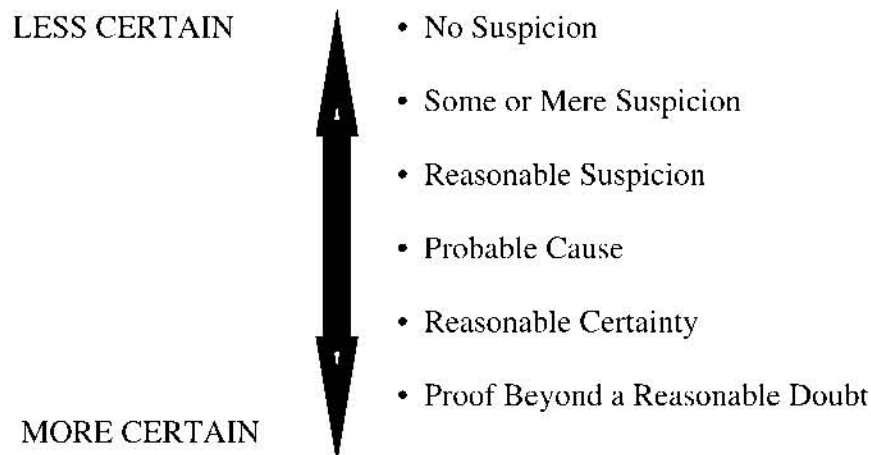
anonymous source, an informant, or from a third party whose reliability cannot be established by any of the criteria listed above.

- E. Canine Alert. The courts have ruled that a positive alert by a detector dog is tantamount to probable cause.

5.6 Totality of the Circumstances

When determining whether or not the SA had the necessary articulable facts to establish the requisite level of suspicion, a court will take into account not only the articulable facts, but the “totality of the circumstances” surrounding those facts. SAs’ training and experience are an important element of the “totality of the circumstances” and may add value to the articulable facts. In other words, articulable facts that would mean nothing to the average person may mean more to a trained SA and may lead the SA to have a higher level of suspicion.

5.7 Levels of Suspicion



- A. No suspicion is required for some searches and seizures. For example, searching luggage for merchandise at the border is defined as a search under the Fourth Amendment, but it is deemed reasonable under the border search exception and requires no suspicion on the part of the SA.
- B. Some or mere suspicion is a subjective belief on the part of the SA. An SA does not need any articulable facts to have mere suspicion. He or she may suspect someone simply because of a “hunch.” Alternatively, the SA may have articulable facts to support mere suspicion, but not enough to form the basis for reasonable suspicion.
- C. Reasonable suspicion is an objective belief by the SA that a person might be engaged in criminal activity. This level of suspicion must be based on one or more articulable facts. The SA must be able to explain his or her reasons for the search or seizure, and those reasons must be enough to make a reasonable person suspect that a particular individual is involved in a crime.

- D. Probable cause is a reasonable ground to suspect that a person has committed or is about to commit a crime or that a place contains specific items connected with a crime. Under the Fourth Amendment, probable cause – which amounts to more than a bare suspicion but less than evidence that would justify a conviction – must be shown before an arrest warrant or search warrant may be issued. Probable cause may not be established simply by showing that the law enforcement officer subjectively believed he or she had grounds for his or her action. Rather, the probable cause test is an objective one requiring that the facts would warrant a belief by a reasonable person.
- E. Reasonable certainty may also be described as a firm conviction or a high degree of probability. However, it requires more certainty than probable cause.
- F. Proof beyond a reasonable doubt exists when there is no legitimate reason to believe that a person did not commit a crime. Proof beyond a reasonable doubt is the level of suspicion needed to convict a defendant in court.

5.8 Elements of a Seizure

Three factors must be present in the seizure of a person: 1) the government; 2) interference with freedom of movement; and 3) a reasonable belief on the part of the person that he or she is not free to terminate the encounter.

Not all interaction between SAs and private individuals constitutes a seizure. SAs, for example, have not seized a person merely by approaching the person in a public place, inquiring about identity, or requesting consent to interview the person or to search luggage or other areas. As long as the SAs do not restrain the freedom of an individual to terminate the encounter and walk away, no seizure has occurred and the Fourth Amendment is inapplicable.

A seizure occurs when, in view of all the circumstances surrounding the incident, a reasonable person would believe that he or she is not free to leave or terminate the encounter. Some encounters may constitute seizures from the outset. At other times, an initially consensual encounter may escalate into a Fourth Amendment seizure.

An object is seized when the government meaningfully interferes with a person's possessory right or interest. If SAs merely move luggage around on a conveyance to facilitate a canine screening, it does not constitute meaningful interference. Likewise, if SAs place a tracking device on a vehicle, but allow the vehicle to proceed on its way, this is not meaningful interference with ownership (although the monitoring of that device may present other Fourth Amendment issues).

5.9 Elements of a Search

Three elements must be present in a Fourth Amendment search: 1) the government; 2) an intrusion; and 3) a protected interest. A “protected interest” is determined by the establishment of a reasonable expectation of privacy (REP) (see Section 5.9.2).

5.9.1 Government vs. Private Intrusion

In defining “the government” for the purposes of searches and seizures, the courts restrict the actions of all government employees, whether SAs, other law enforcement officers, or civil authorities, such as building inspectors, health inspectors, or firemen. A private individual may intrude upon an individual’s REP without conducting a search subject to Fourth Amendment limitations. If a private citizen acquires evidence of a crime and voluntarily hands it over to SAs, that evidence may be admissible in criminal proceedings against a defendant even if the private citizen’s intrusion was illegal.

Fourth Amendment law does, however, prohibit searches by private citizens if they are acting on behalf of the government. If an informant conducts an illegal search at SAs’ direction or with SAs’ acquiescence, the search would constitute a violation of Fourth Amendment rights.

5.9.2 Reasonable Expectation of Privacy

For an individual to have a REP, two conditions must be met: 1) the individual has an expectation of privacy; and 2) the individual’s expectation is one that society recognizes as reasonable – in other words, a subjective belief that is objectively reasonable.

Examples of factors that may help determine whether or not a person’s expectation is objectively reasonable are: 1) whether or not the public has access to the area in question; 2) whether the individual owns or occupies the area or property; and 3) whether or not the person has taken steps to control access or exclude others from the property or area.

A. Generally, there is a REP in the following:

- 1) A person’s body.
- 2) A person’s home.
- 3) Curtilage. Curtilage is defined as an area in close proximity to a person’s home where the activities of the home are conducted (see Section 3.10). A fenced side yard, for example, might be curtilage. Factors to be considered when deciding whether or not an area is part of the curtilage are: (i) its proximity or connection to the home; (ii) if it is enclosed or fenced; (iii) how the area is used; and (iv) whether or not steps have been taken to screen the area from public observation.

- 4) Vehicles. This means the vehicle's interior. There is no REP in the vehicle's exterior or undercarriage.
 - 5) Containers. This includes purses, briefcases, backpacks, luggage, sealed packages, and letters.
 - 6) Private communications.
- B. There is generally no REP, and therefore no Fourth Amendment search protection, for the following:
- 1) Areas in open view.
 - 2) Open fields. An open field is an area of private property that is adjacent to a dwelling but is not part of the curtilage. SAs may enter open fields without intruding into a REP and without conducting a search under the Fourth Amendment.
 - 3) Public areas. In addition to other public areas, this includes law enforcement vehicles and facilities.
 - 4) Overheard conversations, so long as the conversation is overhead from a position where the law enforcement officer is lawfully present.
 - 5) Abandoned property. The property must be abandoned voluntarily, as opposed to lost or stolen property. If it is discarded in response to an SA's actions (during a pursuit, for example), the SA's actions must be lawful.
 - 6) Trash. The U.S. Supreme Court has ruled that trash placed in public for collection has no REP; as such, Fourth Amendment analysis is inapplicable. When SAs recover and examine trash, this will not normally amount to a "search" in a Fourth Amendment context so long as the SAs have lawful access to the trash without entering onto the curtilage.
 - 7) Odors. A canine sniff of an object does not involve any intrusion and is not a search. Canine sniffs of a person's body (e.g., sniffing a passenger's clothing in an airport terminal) raises additional issues of intrusion and may constitute a search. However, in order to perform a canine sniff, the law enforcement officer and canine must be lawfully present in the area where the sniff occurs.
 - 8) Identification and travel documents. Such documents are designed for use by public officials and are not considered private.

5.9.3 Reasonable Expectation of Privacy and the Use of Technology

Generally, SAs may use technology to aid in their observation of an area that has no REP. For example, if an SA can see into an open, unfenced yard from the adjacent public sidewalk, that yard has no REP. If the SA chooses, for investigative reasons, to view the yard with a pole-mounted camera, there is still no REP and therefore no Fourth Amendment search.

The same applies to any type of technology. If SAs can see, hear, or otherwise observe something from the vantage point of a public place, or a place to which they have been given lawful access, using their unaided senses, they may see, listen to, or observe the same evidence using technological aids in order to observe the evidence more clearly or keep their investigation clandestine. The key point is that the use of the technological aid does not give the SAs the ability to intrude into an area with a REP.

Fourth Amendment issues arise when SAs use binoculars, telescopes, listening devices, thermal imaging, night vision, or other technological tools to enhance or extend SAs' ability to observe an area in which an individual has a REP. In some such cases, the SAs' conduct becomes a search under the Fourth Amendment and generally requires a court order or warrant. Legal and procedural requirements for searches using technological devices and monitoring equipment can be found in HSI policy on technical surveillance.

Chapter 6. SEIZURES

6.1 Seizures of Persons

The three principal levels of encounters between SAs and the public at locations other than the border are: 1) consensual encounters, where the person is free to leave at any time or may refuse to answer any questions; 2) investigative stops, which must be supported by the SAs' reasonable suspicion, and which only permit a brief detention of the individual; and (3) arrests, which must be supported by probable cause to believe that the person has violated a law within the scope of the SA's authority.

This section will focus on questioning and detention not amounting to arrest, as arrests are covered more specifically in the Arrest Procedures Handbook (Office of Investigations (OI) Handbook (HB) 07-02, dated October 4, 2007, or as updated). Seizures under customs border authority and under the Immigration and Nationality Act (INA) will be discussed in Chapters 8 and 9.

6.2 Consensual Encounters

As discussed in Section 5.8, consensual encounters between an SA and the public are not seizures under the Fourth Amendment and require no suspicion on the part of the SA. So long as an individual remains free to terminate the encounter and leave, the SA may approach the individual, request (but not demand) that the person identify himself or herself, and ask questions.

During the course of a consensual encounter, an SA may wish to take some or all of the following actions to avoid turning the contact into a detention or arrest: 1) be courteous; 2) explain the purpose of the encounter; 3) identify himself or herself as an SA; and 4) request cooperation from the individual, but explain that the person is free to leave.

To avoid transforming the consensual encounter into a seizure, the SA may want to avoid:

1) making demands or giving commands; 2) language or a tone of voice that implies that the individual's compliance is mandatory; 3) displaying (to the extent possible) any weapons; 4) touching the person; 5) retaining the person's identification documents longer than necessary; 6) using any force; and/or 7) issuing Miranda warnings.

6.3 Investigative Detentions

SAs may briefly, forcibly detain a person if there is reasonable suspicion to believe that the person is violating, has violated, or is about to violate any criminal statute which the SAs are authorized to enforce. Investigative detentions (defined in Section 3.27) are considered seizures under the Fourth Amendment and are often referred to as "*Terry stops*," so named because of the Supreme Court decision (*Terry vs. Ohio*) that recognized this type of police-individual encounter.

An investigative detention should be brief and limited in scope. Its purpose is to gather enough information to verify or dispel the SA's suspicions. The person must be released as soon as the SA dispels his or her suspicions. If the SA verifies the suspicions and develops probable cause, the detention may escalate into an arrest.

An investigative detention may unintentionally escalate into an arrest if the SA detains the individual for too long or uses excessive force. In addition to the duration of the stop, the courts will consider a variety of factors in determining if an arrest occurred. These factors include, but are not limited to: 1) the purpose for the detention and the suspected crime; 2) the amount of force used; 3) the number of law enforcement officers involved in the detention; 4) the time, location, and surrounding environment; and 5) whether or not the SA acted to accomplish the purpose of the investigative detention as quickly as possible.

If the SA is concerned with officer safety and decides to wait for backup, the investigative detention may reasonably last for a longer period of time without becoming an arrest. The same applies if the SA needs to wait for a canine officer or other expert assistance in order to resolve his or her suspicions. Even in these and other extenuating circumstances, SAs should move to conclude the investigative detention as expeditiously as possible; the duration of the stop must be reasonable given the totality of the circumstances.

Placing an individual in handcuffs does not, in itself, constitute an arrest. If the SA is able to articulate why handcuffing was objectively necessary for officer safety, the SA may handcuff an individual during an investigative detention.

6.4 Frisks

During the investigative detention, if the SA has reasonable suspicion that the individual is armed and dangerous, the SA may frisk (defined in Section 3.20) the individual. A frisk is a search for weapons. It is to be conducted for officer safety; it is not a search for evidence.

During a frisk, an SA may feel the outside of the individual's clothing for the presence of a weapon. The SA may also feel the outside of any bags or containers the person is carrying. If the individual is wearing heavy clothing, the SA may reach underneath an outer jacket to avoid missing any weapons. If the SA feels a suspected weapon, the SA may reach into the clothing to remove it.

6.5 Plain Touch

While the purpose of a frisk is to search for weapons, the SA may seize contraband discovered during the course of a frisk. This is known as the "plain touch doctrine." To perform a lawful seizure under the plain touch doctrine, the SA must recognize immediately that the perceived item is contraband. The SA may not manipulate a soft item through the clothing in order to identify it. If the item is hard, it may be retrieved as a possible weapon and seized once it has been identified as contraband.

6.6 Investigative Detentions of Vehicles

SAs may conduct investigative detentions of vehicles. SAs may stop a vehicle with reasonable suspicion that a person inside the vehicle is, or is about to be, engaged in criminal activity. SAs may also stop a vehicle with reasonable suspicion that the vehicle contains contraband or that a person in the vehicle is wanted for past criminal conduct.

During an investigative stop of a vehicle, SAs may do any of the following to ensure officer safety: 1) remove the driver and passengers from the vehicle; 2) order the driver and passengers to remain in the vehicle; 3) use a light to illuminate the interior of the vehicle; and 4) conduct license and registration checks.

In addition, SAs may conduct a "frisk" of the vehicle. If the SAs have reasonable suspicion that any occupant of the vehicle is dangerous and may gain access to a weapon, the SAs may frisk the person and search the entire passenger compartment of the vehicle for a weapon. This includes any containers to which the person has immediate access and that might contain a weapon. A frisk may not include the trunk of a vehicle.

6.7 Pretextual Stops

The courts have ruled that pretextual vehicle stops are permitted in certain circumstances. SAs may use reasonable suspicion that another violation has occurred to stop an individual or vehicle. Once the stop has been made, the SA may ask questions pertaining to an unrelated offense. If SAs lack reasonable suspicion to make a stop for an offense within the scope of their authority, the SAs may utilize the assistance of state and local law enforcement. A state or local law

enforcement officer may conduct a pretextual vehicle stop based on a traffic violation or other violation within his or her authority and in accordance with the laws and regulations of that state or local law enforcement officer's jurisdiction.

6.8 Property Seizures

Property seized by SAs falls into two broad categories: 1) property seized as evidence to be used in a criminal or administrative proceeding; and 2) contraband or other property subject to forfeiture.

Some seized property falls into only one of these categories. For example, financial documents or utility bills seized during a search warrant are normally seized only as evidence. They are typically returned to the owner or a designee following any judicial proceedings. Evidence that is not subject to forfeiture is termed "non-forfeitable evidence" (see Section 3.30). Similarly, a vehicle purchased with proceeds from alien smuggling may be seized for forfeiture only, since it was derived from a crime but has no evidentiary value. This type of property is referred to as "forfeitable seized property" (see Section 3.19).

Other seized property falls into both categories. A shipment of cocaine, for example, will be held as evidence of drug smuggling throughout a criminal proceeding, after which it will be forfeited and destroyed as contraband. A mobile telephone used to facilitate human trafficking may be forfeitable, but may first be held as evidence due to call history or address book information stored in its memory. Seized property of this type is termed "forfeitable evidence" (see Section 3.18).

The following sections provide a general overview of legal guidelines, policies, and procedures for seizures of property. For more detailed information and policies regarding property seizures, evidence processing, and asset forfeiture, SAs should refer to the U.S. Customs Service (USCS) Seized Asset Management and Enforcement Procedures Handbook (SAMEPH) (HB 4400-01A, dated January 2002, or as updated), the HSI Asset Forfeiture Handbook (HSI HB 10-04, dated June 30, 2010, or as updated), and other HSI policies on evidence and asset forfeiture.

6.9 Investigative Detentions of Property

As with people, SAs may conduct an investigative detention of property. Based on reasonable suspicion, SAs may detain something long enough to determine whether or not it is evidence of a crime, subject to forfeiture, or both. For example, if SAs reasonably suspect that luggage at a domestic airport terminal contains narcotics, they may detain the luggage long enough to request a canine screening. If, however, an object is seized for more than a brief, investigative purpose, the seizure requires probable cause.

Note: The reasonable suspicion requirement described above applies to non-border circumstances. SAs' border search authority will be discussed in Chapters 8 and 9.

6.10 Seizure of Property as Evidence

Any kind of property is subject to lawful search and seizure if the item or property to be seized appears to be reasonably necessary to aid in a particular apprehension or conviction. The most important considerations when seizing evidence are: 1) that the SAs are in a lawful position to observe the incriminating item, and 2) that they have a lawful right of access to the incriminating item. For example, if SAs can see contraband through the window of a residence from the public street, they are in a lawful position to observe the evidence and have probable cause to seize it. To conduct a lawful seizure, however, SAs must also have access to the home by means of a search warrant or some other justification for a warrantless search (see Chapter 8).

The following are the most typical situations in which SAs may seize property as evidence:

- A. Pursuant to a Search Warrant. According to Rule 41 of the Federal Rules of Criminal Procedure (FRCrP), a search warrant may be issued to search for and seize any:

- 1) property that constitutes evidence of the commission of a criminal offense;
- 2) contraband, the fruits of crime, or things otherwise criminally possessed; or
- 3) property designed or intended for use or which is or has been used as the means of committing a criminal offense.

The warrant must describe the items to be seized. This description may be specific (e.g., a particular kind of counterfeit merchandise or military hardware) or general (e.g., controlled substances).

- B. Evidence in Plain View. When executing a search warrant, the general rule is that SAs may seize only those items described in the warrant. The “plain view doctrine” provides an exception to that rule, allowing SAs to seize other items of an incriminating nature if they come across them during the course of a lawful search. For example, SAs executing a search warrant for narcotics in the home of a known felon may discover and seize any firearms. To seize property under the “plain view doctrine,” SAs’ search must be within the scope of the warrant and SAs must immediately recognize the incriminating nature of the item(s).
- C. Pursuant to a Lawful Warrantless Search. If SAs encounter evidence or contraband during the course of a warrantless search (for example, a border search, consent search, or search incident to arrest), they may seize the items as evidence. (Exceptions to the Fourth Amendment warrant requirement are discussed in Chapter 8.)

6.11 Seizure of Property for Forfeiture

The purpose of forfeiture is to deny criminals the instruments or profits of their criminal activity. Unlike non-forfeitable evidence, property seized for forfeiture or forfeitable evidence must

undergo a two-stage process. First, SAs seize the property based on probable cause. Second, the property will undergo forfeiture proceedings to determine whether title to the property will be vested in the U.S. Government.

6.11.1 Contraband

Contraband (see Section 3.9) is defined as an item that is illegal to possess, import, or export. Illegal narcotics or child pornography are two examples of contraband. SAs may seize contraband with the presumption that it will be administratively forfeited and destroyed once it is no longer needed as evidence.

6.11.2 Determining What May Be Seized for Forfeiture

When planning to seize property for forfeiture, SAs should take the following steps:

A.

(b)(7)(E)

B.

(b)(7)(E)

C.

D.

(b)(7)(E)

2)

3)

(b)(7)(E)

In cases where seized property meets the criteria for administrative forfeiture, administrative forfeiture proceedings should be commenced and run parallel with the criminal forfeiture proceedings. This ensures a forfeiture of seized property may be effected in the event that the property is not forfeited, for whatever reason, in the criminal case. The important point to remember in such cases is that the SAs, FP&F, and the USAO must be fully informed of the progress of all forfeiture proceedings and the status of the investigation. In such cases, SAs should enlist the aid and expertise of their local Asset Identification and Removal Group (AIRG) (see Section 6.11.5).

- E. SAs should determine the statutory basis for the forfeiture. Logic seems to suggest that this would be the first step in evaluating a potential forfeiture. It is often difficult, however, to determine which statute to use until SAs have determined feasibility, resolved the question of facilitation vs. proceeds, and decided between administrative, civil, or criminal forfeiture. Once the SAs have taken these steps, they should carefully review the provisions of the underlying criminal offense with special attention to any forfeiture provisions.

Some statutes contain their own “built-in” forfeiture provisions. For example, Title 19, United States Code (U.S.C.), Section 1595a(a) provides for forfeiture for a variety of customs violations; 8 U.S.C. § 1324(b) provides for forfeiture for many alien smuggling offenses; and 21 U.S.C. §§ 853 and 881 are the statutory bases for many controlled substance-related forfeitures. Whatever the underlying statute, SAs should examine what the statute specifically allows or does not allow in terms of forfeiture. Some statutes contain no forfeiture provisions. Others provide for forfeitures based on proceeds, but not facilitation, or *vice versa*. Some, as in Title 21, make a clear distinction between procedures to be followed in criminal forfeiture proceedings and those to be followed in civil forfeiture proceedings.

If the underlying criminal offense does not contain its own forfeiture provision or if the investigation involves money laundering offenses, SAs should review the provisions of the general forfeiture statutes: 18 U.S.C. § 981 for civil forfeitures and 18 U.S.C. § 982 for criminal forfeitures.

6.11.3 Proportionality and the Eighth Amendment

Seizures of property for forfeiture purposes should not only be “reasonable” within the meaning of the Fourth Amendment, but also be proportionate in terms of the Eighth Amendment, which states: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” Defendants often attempt to avoid forfeiture by arguing that it is “excessive.” In considering a defendant’s arguments, the court will weigh the extent of the criminal activity against the value of the forfeited property. For example, if a defendant’s house is to be forfeited as a narcotics stash house, the court will consider the quantity of drugs stored in the house and how frequently the house was used for this purpose. (b)(7)(E)

(b)(7)(E)

6.11.4 Seizure Warrants

As with seizures of property for evidence, seizures of property for forfeiture may or may not require a warrant. If SAs have probable cause that an item is forfeitable as proceeds or for facilitation and if the SAs have lawful access to the property, SAs may make some seizures without a warrant. For example, SAs may conduct a warrantless seizure of a vehicle used to smuggle drugs if the vehicle is located on the public street. Likewise, if SAs are executing a search warrant at a house and observe money or other high value items that they have probable

cause to believe are proceeds of the crime, they may seize the items for forfeiture without obtaining a seizure warrant.

However, if time allows, it is always recommended that the SAs obtain a seizure warrant. The use of a warrant, even if one is not required, will help to prevent legal challenges to the SAs' conduct later in the forfeiture proceedings.

With the assistance of the USAO, SAs may obtain a seizure warrant for any seizure, whether the intended forfeiture proceedings will be administrative, civil, or criminal. When applying for a seizure warrant, an SA should prepare an affidavit establishing probable cause, which should contain the following:

- A. A section identifying the SA and describing the SA's training and experience;
- B. A section specifically identifying the property to be seized;
- C. A section explaining the legal basis for seizure and forfeiture and citing the applicable laws;
- D. A section providing the background of the investigation leading up to the discovery of probable cause for the seizure of the property; and
- E. A section that establishes the SA's probable cause for the seizure.

The SA will submit the seizure warrant, the supporting affidavit, and any sealing or other orders to a federal magistrate or district judge, swearing before the judge to the veracity of the affidavit. When issued, the warrant will command the SA or any authorized officer to execute the seizure within a 10-day period. Once executed, the SA must leave a copy of the warrant with the owner of the property or at the location where the property was seized. The SA must then return the warrant to the issuing judge or magistrate in a timely manner, specifying what property, if any, was located and seized pursuant to the warrant.

6.11.5 Asset Identification and Removal Groups

AIRGs are located in the SAC offices to assist criminal case agents with seizures of property for forfeiture. If SAs need additional expertise or assistance with forfeiture questions that arise during an investigation, they may contact the local AIRG. If an investigation holds the potential for significant seizures and forfeitures of property, the SAs should enlist the aid of the local AIRG as early in the investigation as possible.

Forfeitures of real property or businesses involve additional pre-seizure planning and forfeiture considerations. Only SAs assigned to an AIRG may seize real property. If a case holds the potential for forfeiture of real property or a business entity, the criminal case agent must request assistance from the local AIRG. The criminal case agent also should contact the local AIRG if the investigation involves any asset valued at more than \$100,000.

Chapter 7. SEARCHES WITH A WARRANT

A search conducted with a warrant is presumed to be lawful; in seeking to suppress evidence, the defendant has the burden of proving that it is not. For that reason, SAs operating in a non-border environment should make every effort to obtain a warrant prior to searching, even if an exception to the warrant requirement appears to exist.

Warrant requirements vary depending on whether the suspected violation is civil or criminal. The warrant requirements for criminal violations are governed by Rule 41 of the FRCrP. In certain cases, SAs may also obtain civil or administrative warrants under the authority of Title 19 of the U.S. Code or under the INA. (Civil search warrants are discussed in Section 7.11.)

Search warrants are often issued for premises, which include houses, apartments, storage spaces, offices, and warehouses, among others. As an investigative tool, a search warrant may also be obtained to search other property or items, including, but not limited to, financial or other records, safe deposit boxes, post office boxes, stored electronic communications, mail, vehicles, or persons, including body cavity or bodily fluid searches. This Chapter focuses on search warrants for premises, not only because they are one of the types of search warrants most frequently executed by SAs, but also because of the degree of preparation required to execute a search warrant at a residence or business.

7.1 Obtaining a Criminal Search Warrant

Rule 41(c) of the FRCrP states that a warrant may be issued at the request of a federal law enforcement officer or an attorney for the government. As federal law enforcement officers within the meaning of the FRCrP, HSI SAs must present an affidavit to a federal magistrate or judge. In rare, exigent circumstances, the SAs may present the affidavit to a judge of a state court of record when a federal judge is unavailable. In all but certain terrorism-related investigations, the judge must have jurisdiction in the district where the property to be searched is located. The judge will issue the warrant if he or she is satisfied that the affidavit reflects probable cause.

Title 28, Section 60.1 of the Code of Federal Regulations (C.F.R.) requires that, in all but the rarest and most exigent cases, SAs must seek the concurrence of the USAO before applying for search warrants. In most cases, therefore, SAs will obtain a search warrant by preparing and submitting a written affidavit to the USAO. Either the SA or the USAO will also prepare an unsigned copy of the search warrant itself and, if applicable, any other orders the SA or AUSA may believe are appropriate (e.g., an order to seal the affidavit from disclosure). Once an AUSA has approved the affidavit and prepared the appropriate accompanying documents, the SA will present the affidavit to a federal magistrate or judge, affirm its contents under oath, and sign the affidavit in the presence of the judge or magistrate.

7.2 Contents of a Search Warrant Affidavit

While the precise format may vary depending on the nature of the property or item to be searched and the district in which the SA is operating, an SA's search warrant affidavit should include the following:

- A. An introductory section identifying the SA and describing the SA's background, training, and experience.
- B. A section describing the purpose of the affidavit, including the specific statutory violations and legal authorities for requesting the warrant.
- C. An identification of the property or item to be searched. This should consist of as complete a description of the property or item as possible, including not only an overall description of the property or item, but also any identifying marks or numbers (e.g., addresses, license plate numbers, vehicle identification numbers, serial numbers, etc.). The description of the property or item to be searched is often incorporated into an attachment to the affidavit.
- D. A detailed description of the evidence sought and the items to be seized. This also may be included as an attachment to the affidavit. The list should be as detailed and inclusive as possible.

Note: If SAs have probable cause to search for evidence that may be stored in electronic form, they should enlist the aid of their local computer forensics group. Likewise, if they have probable cause to search for and seize financial documents, SAs should consult their local AIRG or financial investigative group. These subject matter experts can assist in providing the appropriate language to be included in this section of the affidavit.

- E. A section providing background information about the investigation. This may include an overview of the investigation leading up to the discovery of probable cause for the search warrant. For investigations dealing with complex violations or technical issues, this section may also provide definitions or explanations necessary for an understanding of the probable cause.
- F. A statement of probable cause. It is not necessary to relate every fact of the investigation to the judge or magistrate, but it is important to be thorough and include enough detailed information for the judge to make a finding of probable cause based solely on the affidavit. Information establishing probable cause should be timely, i.e., it should be recent enough to convince the judge that the evidence and items to be seized are still located in the place to be searched.

Probable cause may be established by means of any of the articulable facts described in Section 5.5. It may include both the SA's firsthand observations and hearsay. If the SA uses hearsay from non-law enforcement third parties, such as informants, the

SA should include the reasons why he or she believes that the information is reliable. If the SA used his or her training and experience to add value to certain facts in the investigation, this should be stated and explained in the affidavit.

- G. In applicable cases, the SA will include a statement justifying nighttime execution or a “no knock” entry. Primarily, justification for a “no knock” entry or nighttime execution are based on either officer safety or preventing the destruction of evidence. The list of factors that could fall under these general categories are numerous and should be articulated to the judge or magistrate in the affidavit when a “no knock” entry or nighttime execution is sought.
- H. A search warrant may include additional attachments that provide documentary evidence for some of the assertions made in the statement of probable cause. Most search warrants will not include such attachments, but they are useful in cases where references to documentary evidence are so frequent that it is easier and clearer to attach the document itself.

7.3 Issuance of a Search Warrant

Upon a finding of probable cause, the judge or magistrate will issue a search warrant to be served within 10 calendar days from issuance. If, for some reason, SAs are unable to execute the warrant within the 10-day period, the warrant will become invalid and the SAs must apply for a new warrant based on whatever probable cause may still be timely.

Although a specific SA may be named as the affiant to a search warrant affidavit, it is recommended that the search warrant itself be directed to “any Special Agent of the U.S. Immigration and Customs Enforcement.” If the affiant becomes unavailable, or if multiple warrants are to be served simultaneously at different locations, this wording will allow another SA to execute the search warrant.

7.4 Telephonic Search Warrants

In some critical circumstances, a federal judge or magistrate may issue a search warrant based on sworn testimony communicated by an SA from a remote location. In the past, these warrants were obtained by reading a warrant and probable cause statement over the telephone. Rule 41 of the FRCrP was modified to allow for the submission of search warrants by facsimile or other “reliable electronic means.”

When seeking a telephonic warrant, the SAs should be prepared to show that: 1) they could not reach the magistrate in his or her office during regular business hours; 2) the SAs seeking to make the search are at a significant distance from the magistrate; 3) because of the particular factual situation, it would be unreasonable for a substitute SA who is near the magistrate to prepare a written affidavit and appear before the magistrate in person; and 4) the need for a search is such that, absent the telephonic or electronic procedure, there is a significant risk that evidence would be destroyed.

To obtain a telephonic search warrant, the SA will prepare a document known as a “proposed duplicate original warrant.” The contents of a telephonic search warrant shall meet the same standards as the contents of a search warrant upon written affidavit. While applying for the warrant, an SA most often will transmit a copy of the proposed warrant to the magistrate by fax or email. The judge will read the warrant, sign it, and transmit it back to the SA. The magistrate may direct that the SA make modifications to the warrant.

Procedures for obtaining a telephonic search warrant may vary from district to district. SAs must first contact an AUSA for concurrence and guidance. Prior to contacting the AUSA, an SA should:

- A. Have a prepared search warrant, including an affidavit and the return receipt and inventory. If possible, this search warrant should be in electronic as well as written format so that it can be submitted according to the preferences of the magistrate.
- B. Have a telephone number and fax number or e-mail address at which the requesting SA can be reached.
- C. Have, in written form, a list of circumstances which demonstrate that it is necessary to apply telephonically or electronically rather than present a written affidavit.
- D. Be prepared, if a nighttime service is warranted, to make a showing as to why other than daytime service should be authorized.

The AUSA either will set up a conference call (AUSA, affiant, and magistrate) or will have the SA call the magistrate, who will provide the SA with specific instructions, including the preferred method for the submission of the warrant and affidavit. The SA must follow the specific instructions that the magistrate provides.

Upon issuing a warrant by telephonic or electronic means, the magistrate will enter the exact date and time of issuance on the face of the warrant. When executing the warrant, the SA will write the precise date and time of execution on the face of the warrant.

7.5 Anticipatory Search Warrants

An anticipatory search warrant is based upon probable cause that, at some future time, certain evidence of a crime will be located at a specified place. When judges issue an anticipatory search warrant, they are not deciding that there is probable cause at the time they sign the warrant, but that probable cause will exist upon the occurrence of an identifiable “triggering event.”

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SAs must specifically describe the triggering event in the affidavit, and it must be something other than the mere passage of time. SAs may not execute the search warrant until the triggering event occurs.

7.6 “Sneak and Peek” Search Warrants

SAs may obtain a “sneak and peek” warrant in cases in which they wish to confirm the existence of incriminating evidence without jeopardizing the overall investigation by alerting the suspects. For example, while utilizing a Title III wire intercept during a drug smuggling investigation, SAs learn that a suspect is storing a load of cocaine in his or her home. The SAs wish to document the existence of the cocaine without revealing the ongoing investigation or jeopardizing the wire intercept. The SAs may apply for a “sneak and peek” warrant to enter the home without providing notice to the suspect.

In addition to the requirements of a normal search warrant affidavit, an affidavit for a “sneak and peek” warrant must provide the reasons why it is necessary to delay notice. Notice of a “sneak and peek” warrant may be delayed for up to 30 days if specified in the warrant. The court may grant additional delays if justified by the facts of the case.

7.7 Preparing for the Execution of a Search Warrant

If time permits prior to executing a search warrant at a home, business, or other premises, SAs should prepare by taking the following steps (some of these steps may have been taken in preparation for the search warrant affidavit):

- A. The SAs should query all available law enforcement databases to determine:
 - 1) Who resides at or is associated with the location;
 - 2) If there are any firearms registered to anyone at the location;
 - 3) If anyone at the location has a prior criminal history or a prior history as a violator of any immigration or customs laws; and
 - 4) If any vehicles are registered to the location or to people associated with the location.
- B. The SAs may also wish to query law enforcement databases for neighbors in the immediate vicinity of the location to be searched. This may alert SAs of potential officer safety problems in advance of the warrant execution.
- C. Time permitting, the SAs may verify the above information by requesting subscriber information for the location from the appropriate utility companies.
- D. In addition to the above records checks, the SAs should query, if available, the appropriate law enforcement data clearinghouses to ascertain whether or not the location is or has been involved in an investigation by another law enforcement agency.
- E. The SAs should conduct periodic surveillance of the location to determine:

- 1) Who resides at or is associated with the location, and when they are present.
- 2) If there are any children at the location and, if so, their approximate ages.
- 3) If there are any pets at the location, and, if so, whether or not they will pose a threat to the SAs during the warrant execution.
- 4) Vehicles associated with the location.
- 5) The layout of the location, including entry and exit points and any obstacles that will need to be overcome (e.g., a locked gate or security screen door, reinforced doors or windows, or human or electronic countersurveillance). Whenever possible, the SAs should take photographs of the location.
- 6) The nature of the neighborhood and any criminal activity or potential risks in the surrounding area.

7.7.1 Operational Plan

Prior to executing a search warrant upon premises, SAs will prepare and submit an Operational Plan to the first-line supervisor. In addition to completing the required fields for the Operational Plan, the SAs may wish to attach photographs of the key suspects, photographs of the location, and maps showing the location, staging location, route of approach, the location of a rally point where SAs can meet if they need to leave the warrant location for safety or other reasons, and the location of any emergency facilities such as hospitals.

In some offices, SAs may be required to submit the Operational Plan to the supervisor of the local HSI Special Response Team (SRT) so that the supervisor may assess the need for SRT assistance. Even if not required to do so, SAs may wish to request the assistance of the SRT if the search warrant involves violent offenders or other significant risks to officer safety. For detailed guidance on procedures for requesting the use of SRT and circumstances that may warrant the use of the SRT, SAs should refer to the Special Response Team Handbook (OI HB 06-001, dated November 20, 2005, or as updated).

7.7.2 Personnel Assignments

In preparing the Operational Plan, SAs should give advance consideration to personnel assignments. The case agent should assign a team leader to coordinate the entire search warrant execution. Ideally, the team leader should be an SA other than the criminal case agent and/or affiant, since the criminal case agent may be occupied with other issues, such as communicating with the AUSA, responding to questions concerning evidence, or interviewing suspects found at the location.

In conjunction with the team leader, the case agent should assign personnel for both of the two main phases of the search warrant execution: 1) making entry and securing the premises; and

2) conducting a search for evidence

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Typically, the phase involving the search for evidence will require an SA to take photographs and make a photographic log, an SA to make a video recording, an SA to make a diagram or sketch of the premises, an evidence recorder and custodian, SAs to conduct the search itself, and any necessary experts (e.g., a Computer Forensics Agent (CFA) or a CBP Canine Enforcement Officer). If necessary, one SA may assume multiple responsibilities. At a minimum, however, it is recommended that the SA who acts as the evidence recorder and custodian not be assigned to search for evidence.

7.7.3 State and Local Law Enforcement Notification/Participation

Prior to executing the search warrant, SAs may wish to consider enlisting the aid of state or local police. Because neighbors are familiar with the uniform and authority of the local police, the addition of a police “marked unit” can enhance perimeter security and help to avoid potential officer safety issues. Unless there is some compelling reason not to do so, SAs should, at a minimum, advise the appropriate local police commander in advance of the warrant. If children or pets will be present at a residence, the case agent may also wish to give advance notice to the appropriate child welfare services agency or to the local animal control agency.

7.7.4 Pre-Execution Briefing

Prior to executing a search warrant, the criminal case agent and team leader should conduct a briefing of all personnel who will be involved in the execution of the search warrant. The briefing should provide a brief background of the investigation, the purpose for the search warrant, personnel assignments and responsibilities, and any risks or special circumstances that might be encountered during the warrant’s execution. SAs taking part in the briefing should take note of the SAs and other law enforcement personnel who are present. For reasons of officer safety, anyone who is not present at the briefing should not participate in the execution of the warrant. A copy of the Operational Plan should be made available to each participating SA and other law enforcement personnel. Each participating SA or other law enforcement officer should also read a copy of the search warrant to ensure that none of the SAs exceed the scope of the search authorized by the warrant.

7.7.5 Notification of the National Law Enforcement Communications Center

The criminal case agent should notify the National Law Enforcement Communications Center (NLECC) of the planned warrant execution and should send a copy of the Operational Plan to the NLECC via fax or email.

7.8 Executing a Search Warrant

Unless the warrant specifically authorizes nighttime service, SAs must initiate the execution of a search warrant between the hours of 6:00 A.M. and 10:00 P.M. local time. The team leader must note the exact date and time when the warrant is executed. This date and time must be entered on the warrant prior to return and receipt (see Section 7.9).

Unless an exception is specifically granted in the warrant, SAs must knock and announce prior to entering the premises. In announcing, the SAs must state their identity and purpose (e.g., “Federal agents with a search warrant! Open the door!”). According to 18 U.S.C. § 3109, SAs may force entry into the premises if they are “refused admittance.” While there is no precise definition of “refused admittance,” SAs should wait a reasonable amount of time for an occupant to open the door voluntarily. The amount of time depends, among other things, on the size of the building, the ease with which the suspected evidence may be destroyed, the time of day, and the age or physical condition of the occupant.

No one has the right to resist the execution of a search warrant. Challenges to the validity of the warrant – even by an occupant’s legal counsel – should take place after the execution of the search warrant and should be directed to the appropriate AUSA.

In accordance with their training, SAs will conduct a sweep of the premises during which they will secure any persons or weapons that they encounter. Prior to the execution of the warrant, the case agent, team leader, and appropriate Group Supervisor should determine how the occupants of the premises will be secured in light of the criminal violations and circumstances of the particular search warrant. In cases where the SAs have reasonable suspicion to believe that occupants of the premises may pose a threat to officer safety, it is recommended that the occupants be searched for weapons, handcuffed, and directed to a central location in the house or building, where they will be placed under guard while the SAs conduct the search.

Once they have been secured, the team leader should ensure that the premises are photographed. It is recommended that SAs also make a video recording of the premises both before and after the search for evidence. This serves two purposes: 1) to record the state of the property for evidentiary purposes; and 2) to defend the SAs against allegations of property damage or misconduct.

It is recommended that SAs physically label each room by letter or number and note the labels on a corresponding sketch or diagram. This will make it easier to record the location where each piece of evidence was discovered.

Since court proceedings may take place months or even years after the search warrant, SAs may wish to make a written record of which SAs searched which rooms or areas. An easy method is to have each SA sign the label of any room he or she helped search. As they discover evidence or contraband within the scope of the search warrant, SAs should ensure that it is photographed in place prior to its processing by the evidence handler/custodian. To avoid courtroom challenges or allegations of wrongdoing, SAs assigned to search for evidence should not search a room or area by themselves.

7.8.1 What May Be Searched

A search warrant restricts the search to the places described in the warrant. It also restricts the search based on the types of items authorized for seizure. SAs may search only those areas where the items described in the warrant could reasonably be concealed. The following areas may be included in the execution of a search warrant:

- A. The Premises, Outbuildings, and Curtilage. The SAs may search all buildings and objects within the curtilage, even if they are not mentioned specifically in the search warrant. The best practice, however, is to mention all known buildings or items in the warrant.
- B. Vehicles Located on the Curtilage. SAs may search any vehicles parked on the curtilage of the premises if they appear to be owned by or under the control and dominion of the premises' owner or occupier(s), even if they are not specifically listed in the warrant. SAs may not search vehicles belonging to others. The best practice is to list anticipated vehicles in the search warrant.
- C. Containers. Generally, SAs may search any container that might hold evidence specified in the search warrant. The exception to this rule is that SAs may not search an item in the personal possession of a casual visitor to the premises.
- D. Incoming Telephone Calls. SAs may answer a ringing telephone if they are lawfully on the premises executing a search warrant. They need not identify themselves as law enforcement officers to the caller. Any evidence acquired from the phone call will be admissible against the defendant.
- E. Electronic Media/Computers. If specified in the warrant, SAs may search computers or other electronic media for evidence. SAs should contact their local computer forensics group in advance of the warrant execution and enlist the aid of a CFA when conducting a search of any computers or electronic media.

While the execution of a search warrant must be initiated during the hours specified in the warrant (ordinarily between 6:00 A.M. and 10:00 P.M. local time), there is no set time limit for the duration of a search warrant execution. SAs may remain on the premises for as long as necessary to conduct their search. SAs must stop searching, however, once they have conducted a thorough search for all the items described in the search warrant.

7.8.2 Inventory and Receipt

Once the search has been conducted, the evidence custodian/handler should complete an inventory of any property seized from the premises. According to Rule 41(f)(1)(B) of the FRCP, this inventory must be completed in the presence of another SA and the person from whom the property is seized. If another SA or the person whose property is being seized is not present, the SA may prepare the inventory in the presence of at least one other law enforcement

officer. When possible, SAs should notify their local Seized Property Specialist (SPS) in advance of the search warrant execution and enlist the aid of the SPS in the proper collection, documentation, transport, and storage of all property seized from the premises.

SAs need not show a copy of the warrant to the occupants of the premises prior to or during the execution of the search warrant. Once the search has been completed, however, the SAs must leave a copy of the warrant and the inventory of seized property with the owner or occupier of the premises. In the absence of any responsible party, the SAs may simply leave a copy at the premises.

If the owner or occupier of the premises is not present or is arrested during the execution of the search warrant, SAs should take steps to secure the premises before leaving, especially if the execution of the warrant required a forced entry.

7.9 Return of the Search Warrant

The search warrant will designate the judge or magistrate to whom it should be returned. Usually, this will be the issuing magistrate. The FRCrP requires that the executed warrant and inventory of seized property be returned “promptly” to the issuing judge or magistrate. While the rules provide no definition of “promptly,” SAs should return the search warrant as soon as possible.

Following the execution of the search warrant, the criminal case agent or team leader must document the warrant in a detailed Report of Investigation (ROI). Evidence and contraband seized during the execution of the search warrant shall be handled in accordance with policies and procedures outlined in the SAMEPH and HSI policies on evidence.

7.10 Post-Execution Debriefing

When possible, the team leader or criminal case agent should conduct a debriefing of all personnel involved in the execution of the search warrant. Purposes for a search warrant debriefing include, but are not limited to: (1) providing a recapitulation of the warrant entry and search to ensure that the warrant was properly executed; (2) bringing to the criminal case SA’s attention any witness or suspect statements, leads, or other observations by team members that may have an impact on the investigation; and (3) reviewing the positive and negative aspects of the warrant execution with an eye toward future improvement.

7.11 Civil Search Warrants

In some cases where no criminal violation exists or where the criminal violation fails to meet local prosecution guidelines, SAs may pursue their investigations through civil search warrants.

7.11.1 Customs Search Warrants

19 U.S.C. § 1595 provides that SAs who have probable cause to believe that merchandise upon which duties have not been paid or merchandise that has been brought into the United States

contrary to law, or evidence of a violation involving customs fraud or any other law enforced or administered by CBP and/or ICE is located in any dwelling, store, or other building, may obtain a customs civil search warrant by applying, under oath, to any justice of the peace; to any municipal, county, state, or federal judge; or to any federal magistrate. Prior to submitting the affidavit to a judge or magistrate, SAs should consult with the local OCC.

It is important to note the distinction between a search warrant issued pursuant to 19 U.S.C. § 1595 and a search warrant issued pursuant to Rule 41 of the FRCrP. A customs search warrant is directed toward imported merchandise upon which no duty was paid or merchandise that has been imported contrary to law; the violation of a specific criminal law need not be cited to obtain the civil search warrant.

Some examples of situations where the 19 U.S.C. § 1595 warrant might be used are:

A.

B.

C.

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7.11.2 Civil/Administrative Search Warrants Under the Immigration and Nationality Act

In those immigration-related enforcement operations where consent is not an option and no criminal prosecution is contemplated, SAs may use civil warrants to effect entry. An administrative warrant may not be used, however, as a pretext to gather evidence for a criminal prosecution. Since such administrative search warrants were sanctioned in the court cases *Blackie's House of Beef, Inc. v. Castillo*, 659 F.2d 1211 (D.C. Cir. 1981) and *Marshall v. Barlow's, Inc.*, 436 U.S. 307 (1978), immigration civil warrants are often referred to as “*Blackie's Warrants*” and “*Barlow's Warrants*.”

7.11.3 *Blackie's Warrants*

The right for SAs to enter commercial premises, pursuant to a *Blackie's* warrant, for the purposes of searching out a suspected violation of the immigration laws derives from the agency's general

statutory power to seek out and question suspected illegal aliens. The major advantage of the *Blackie's* warrant is that there is no need to specifically name the aliens being sought. Rather, the *Blackie's* warrant and accompanying affidavit need only set forth a plausible basis for believing that there are unnamed illegal aliens present at the location to be searched. Even though there is a relaxed requirement to name or provide a particularized description of the individuals being sought, the *Blackie's* warrant must describe with specificity the places to be searched and time and scope of the search.

For a magistrate to issue a *Blackie's* type warrant, the SA should submit an affidavit specifying the places to be entered and the date, time, and scope of the inspection. The affidavit should conform to the same general standards as a criminal search warrant except that it need not particularly describe the evidence to be seized (the specific names of the illegal aliens believed to be present). Instead, the affidavit should contain sufficient information to permit a magistrate to find probable cause to believe that aliens who are illegally in the United States will be found on the premises.

SAs should be cautioned that *Blackie's* warrants may not be used to enter residential premises. (See *Illinois Migrant Council v. Pilliod*, 531 F. Supp. 1011 (N.D. Ill. 1982).)

7.11.4 *Barlow's* Warrants

Barlow's warrants are not specific to immigration violations. The Supreme Court case from which *Barlow's* warrants take their name involved an inspection under the Occupational Safety and Health Act, not the INA. They are designed for use by a federal agency which seeks entry onto premises to aid in the performance of the agency's regulatory functions.

Barlow's warrants are not based upon specific evidence of an existing violation. They may be issued on the basis of a general administrative plan and specific criteria that explain how the premises of a business fall into this general enforcement plan. A *Barlow's* warrant may be issued upon a showing that reasonable legislative or administrative standards for conducting an inspection are satisfied with respect to the establishment to be searched.

In applying for a *Barlow's* warrant, SAs must present an affidavit demonstrating: 1) that the plan was derived from a neutral source that identified the group of businesses to be inspected under the plan; 2) that the plan is consistent with the agency's mission; 3) the specific criteria used in the plan and the fact that they are neutral to the business to be inspected; and 4) that the particular business falls within the plan. A *Barlow's* warrant may be useful in the investigation of an employer (worksite enforcement investigation) under Section 274A of the INA.

Chapter 8. SEARCHES WITHOUT A WARRANT

The courts have repeatedly emphasized that a search without prior judicial approval is always unreasonable unless it falls within a select group of special circumstances. This Chapter discusses those circumstances, with the exception of the border search, which will be covered in Chapter 9.

Although the following sets of circumstances may excuse SAs from the warrant requirement of the Fourth Amendment, it is important to note that there is no exception to the reasonableness requirement of the Fourth Amendment. In all searches, the courts will judge whether the intrusion, both at its inception and in its scope, was justified by a legitimate law enforcement interest.

8.1 Search Incident to Arrest

The purpose of a search incident to arrest is to protect the arresting SAs, prevent the destruction of evidence, and find specific evidence relating to the crime for which the arrest was made.

An SA may conduct a warrantless search incident to a lawful physical arrest when the following two requirements have been met. First, there must be a lawful arrest, with or without an arrest warrant. Second, the search must take place at substantially the same time as the arrest. In judging whether or not a search and arrest took place contemporaneously, the court will consider the totality of the circumstances, including: 1) where the search was conducted; 2) when the search was conducted in relation to the arrest; and 3) whether the defendant was present during the search of a vehicle or other container within his or her control at the time of the arrest.

During a search incident to arrest, SAs may search the arrestee's person, including anything worn by the arrestee. The search may be conducted at the place of the arrest or as part of booking procedures at the SAs' office, a Port of Entry (POE), or a detention facility.

To go beyond a standard personal search and perform a strip search, SAs must have reasonable suspicion that a weapon or evidence is concealed on the body. Only medical personnel may perform a body cavity search; in order to request such a search, SAs must have a reasonable basis to believe that the arrestee is concealing contraband inside his or her body.

SAs may also search anything within the immediate control of the arrestee. This includes the arrestee's wallet, purse, briefcase, and any other property carried by the arrestee at the time of the arrest, whether locked or unlocked. It also includes any property within lunging distance of the arrestee in which the arrestee could have hidden a weapon or other destructible evidence at the time of the arrest.

In *Arizona v. Gant*, 556 U.S. ____ (2009)], the Supreme Court held that SAs may justify a search incident to arrest of a vehicle's passenger compartment under two conditions: (1) it was reasonable to believe that the arrestee might have been able to access the vehicle during a search incident to arrest; or (2) there was a reasonable belief that evidence of the underlying crime might be found in the passenger compartment at the time of the search. Since SAs should restrain all arrestees so that they cannot interfere with a search incident to arrest, it is unlikely that the first condition will ever be satisfied. The practical effect of this decision, therefore, is that SAs must be prepared to articulate how and why their search of a vehicle incident to an arrest was intended to retrieve evidence of the related criminal violation. SAs may not search a vehicle's trunk as part of a search incident to arrest.

SAs should take care not to violate the lawful parameters of a search incident to arrest. Once an arrestee is removed from the arrest area, SAs may not return to the scene to conduct the search. SAs may not move an arrestee or allow an arrestee to roam from area to area in order to broaden the scope of the search incident to arrest.

8.2 Protective Sweep

A protective sweep is a quick, limited search of premises, most often incident to an arrest, that is conducted to protect the safety of SAs or others. SAs may conduct a protective sweep if 1) they have reasonable suspicion that a third party is present and may pose a threat to the SAs; 2) the SAs search only those areas large enough to harbor a person; and 3) the protective sweep lasts no longer than necessary to dispel the danger. Although a protective sweep's intent is to search for people, SAs may encounter evidence or contraband during a protective sweep and seize it under the plain view doctrine. Once SAs have neutralized the real or perceived danger or threat, however, they must end the sweep.

Under certain circumstances, SAs may conduct a protective sweep of premises even though the arrest occurred outside. For example, if SAs arrest an individual immediately outside a home and hear noises or see movements from within the home, they may have justification for a protective sweep of the home, particularly if the SAs have knowledge of accomplices who are still at large.

8.3 Exigent Circumstances

SAs may make warrantless searches in some cases in which emergency conditions make prior judicial approval impractical. Under these exigent circumstances, probable cause exists for the search, and SAs must act immediately to pursue a fleeing felon, prevent the imminent removal or destruction of evidence, or prevent injury or loss of life. If SAs conduct a warrantless search under an exigent circumstance, the burden is on the SAs to show that the exigency existed. As with any other type of lawful warrantless search, SAs entering premises under exigent circumstances may seize any evidence or contraband in plain view.

8.3.1 Hot Pursuit

The courts have ruled that a suspect may not defeat an arrest that has been set in motion in a public place by escaping to a private place. In order for SAs to enter a dwelling without a warrant under the hot pursuit exception: 1) the SAs must have probable cause to arrest the suspect; 2) the SAs' pursuit of the suspect must be immediate and continuous; and 3) the SAs must have probable cause to believe that the suspect is in the residence.

8.3.2 Destruction or Removal of Evidence

SAs may make a warrantless search of an area or item if they have probable cause to search and probable cause to believe that evidence is being, or will be, destroyed or removed in the time it would take the SAs to obtain a search warrant. For this exception to be valid, the SAs must have specific articulable facts relating to the imminent destruction of evidence in the given situation.

A generalized fear based on the nature of the crime or the SAs' training and experience is not enough. SAs may not deliberately cause the exigent circumstance by alerting suspects to their presence.

8.3.3 Protection or Preservation of Life

The need to protect or preserve life typically justifies actions that would otherwise violate the Fourth Amendment. To enter premises under the exigency of an emergency situation, SAs must have reasonable grounds to believe that there is an immediate need for the SAs to assist in the protection of life or property. SAs must also have a reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched. Examples of emergency situations in which the courts have permitted a warrantless search include reports of gunshots from inside a residence, a report that children had open access to controlled substances inside a residence, and a report of a woman and child in danger inside a crack house.

8.4 Consent

Consent searches may be conducted without a warrant or any level of suspicion. In cases where SAs have some evidence of illegal activity, but lack probable cause to arrest or search, a consent search may be the only means of obtaining important and reliable evidence. For a consent search to be lawful: 1) the consent must be voluntary; 2) it must be given by someone with authority over the place to be searched; and 3) the search must be limited to the scope of the consent.

8.4.1 Voluntariness of Consent

When deciding whether or not SAs obtained consent voluntarily, the courts will look at the totality of the circumstances. They will take into account the age, education, intelligence, psychological stability, and sobriety of the consenting individual. They will consider the length of any detention preceding the consent. They will examine the SAs' actions when requesting consent. For example, did the SAs make the person aware that he or she could refuse? Were weapons displayed or was force used during the events leading up to the granting of consent?

Consent may be granted verbally. In some cases, it may even be granted non-verbally. For example, SAs may knock on the door of a suspected narcotics stash house and ask the owner if they may enter. An individual who steps away from the door and gives the SAs a welcoming gesture is implicitly granting consent. However, it is a best practice in this instance to confirm the implicit gesture with (at least) verbal consent. Further, whenever possible, SAs should obtain written consent using ICE Form 73-005, "Consent to Search."

The individual granting the consent must not be coerced by explicit or implicit means. SAs may attempt to persuade an individual to consent by laying out the facts of a given situation, but the persuasion must be truthful. If SAs do not believe that they could obtain a search warrant for a property, they must not use the threat of a search warrant to induce a person to grant consent.

8.4.2 Authority to Grant Consent

SAs must obtain consent from someone with actual or apparent authority over the place to be searched. The person granting consent may be the actual owner of the property or, in the owner's absence, a co-owner or co-inhabitant who has common use of the area to be searched. Spouses may generally consent to a search of all of a couple's property. Similarly, a business partner may consent to the search of any part of a business. A minor child, given sufficient age and maturity, may consent to the search of a home in the parents' absence. Roommates may grant consent to search a mutual residence, but this consent does not apply to the personal property or exclusive spaces (e.g., bedroom) of the other roommate. Landlords may not consent to the search of a tenant's premises unless the tenant has vacated or abandoned the property.

Even if SAs obtain the consent of one person with authority over a place to be searched, they may not proceed if another person with authority objects to the search. The only exception to this rule involves minor children. A parent may grant consent for the search of an entire home, regardless of the objections of minor children.

8.4.3 The Scope of Consent

An individual who grants consent for SAs to search his or her property may limit the scope of the consent to certain areas. The individual may also exempt certain areas or items from the scope of the consent, making some areas "off-limits" to SAs. Individuals may revoke consent at any time.

In seeking written consent, SAs should use the appropriate space on ICE Form 73-005, "Consent to Search," to describe the property to be searched and any limitations placed on the search. SAs should also seek the reasonable assistance of the person granting consent before opening any locked containers or risking damage to any property.

8.5 Mobile Conveyance Search

First recognized by the Supreme Court in the 1925 case, *Carroll v. United States*, the "Carroll Doctrine" permits SAs to conduct a warrantless search of a vehicle located in a public place. Under the "Carroll Doctrine," SAs may perform a warrantless search of a vehicle under two conditions: 1) the SAs must have probable cause to believe that evidence of a crime or contraband is located within the vehicle; and 2) the vehicle must be "readily mobile." Readily mobile means that it must be operational at the time of the search. It need not be in motion or even occupied at the time of the search.

If the two necessary conditions are met, SAs may search the vehicle in its entirety. This includes the trunk and any locked or unlocked containers. The scope of the search must correspond, however, to the object of the search. In other words, if SAs have probable cause to believe that the vehicle contains an illegal shotgun, they may not look inside the glove compartment. SAs may search the possessions of a passenger in the vehicle even if the probable cause relates only to the driver.

The rationale behind the “*Carroll Doctrine*” is that the inherent mobility of vehicles makes it impractical to obtain a warrant, since, while the SAs obtained a warrant, the vehicle could be moved to another location unknown to the SAs or outside the jurisdiction of the court. However, if SAs develop probable cause sufficiently in advance of the search, the best practice is to seek a warrant, despite the applicability of this exception.

8.6 Inventories

Case law recognizes the right of SAs to conduct routine non-investigative inventories of vehicles and other property lawfully within government custody. SAs, therefore, may conduct warrantless inventory searches of vehicles or other property when the purpose is to protect SAs and others from potential danger or hazardous materials, to protect the owner’s property while it is in government custody, or to protect SAs against claims or disputes over lost or stolen property.

SAs may conduct inventory searches under three basic conditions: 1) SAs have a lawful basis for taking custody of the property; 2) the inventory is based on standard non-investigative criteria, *i.e.*, in adherence to agency policy (see Section 8.6.1); and 3) the search is limited to locating valuables for storage or to secure dangerous items.

An inventory search should not be used as a pretext for another type of search. The mere fact, however, that a legitimate inventory search may also benefit an investigation does not invalidate the inventory search. Furthermore, if SAs discover contraband during the course of an inventory search, the discovery may provide a probable cause rationale to continue searching the vehicle.

8.6.1 Procedures for Inventory Searches

The following guidelines form the criteria for a non-investigative inventory search by HSI SAs:

- A. SAs should conduct an inventory soon after a seizure or impoundment, although it need not be contemporaneous with an arrest, seizure, or other event resulting in lawful government possession.
- B. The inventory search must be limited to locating valuables or harmful items for storage. An inventory is not an intensive search for evidence.
- C. The conveyance or property lawfully within the SAs’ possession must be thoroughly searched, as follows:
 - 1) The interior areas of a vehicle or other conveyance, including all compartments, such as a glove compartment or trunk, must be searched; and
 - 2) Containers located within an impounded conveyance, or other property, including locked containers, must be opened and the contents inventoried.

- D. All articles not part of a conveyance and not having evidentiary value or not subject to separate forfeiture action should be removed and returned to the owner without delay. Accessories, jacks, and standard maintenance tools are considered part of the conveyance. Installed radios, stereo equipment, etc. are also part of the conveyance. The appropriate AUSA or local OCC may be consulted for advice on the status of specific items found during an inventory search.
- E. All property subject to inventory and not otherwise subject to forfeiture or other independent basis for seizure will be itemized and receipted with the notation, "taken for safekeeping subject to return to the lawful owner." If the lawful owner is not present, a copy of this receipt will be left on the premises. SAs will take appropriate measures to return such property to the lawful owner or his or her designee as soon as possible.
- F. Where property found in the inventory search belongs to a person who has been placed under arrest, the SAs should request that the arrestee designate someone to take possession. SAs should not release any property in this manner without the written consent of the arrestee. A routine inventory search of an arrestee can also be lawfully made at the time the arrestee is booked.

8.7 Detector Dog Screenings

SAs may enlist the aid of other law enforcement agency canine enforcement officers, including CBP's, to use dogs to sniff the outside of vehicles or other property in a public place. Generally, such a canine search is not a "search" under the Fourth Amendment and requires no warrant or probable cause. Furthermore, a positive alert by the qualified canine constitutes sufficient probable cause to support an additional search or seizure.

If SAs need to detain people or property, such as a vehicle or luggage, in order to request a canine screening, they may do so by means of an investigative detention. Such a detention requires reasonable suspicion, as discussed in Section 6.3.

SAs may not use canines in areas where an individual has a heightened expectation of privacy without reasonable suspicion or an applicable exception to the warrant requirement. Such areas include the body, clothing worn by a person, or personal property while it is being worn or held in the physical possession of a person. SAs may not use canines to sniff dwellings or the curtilage of a dwelling without a search warrant or consent.

8.8 Regulatory Searches

A regulatory search is the warrantless inspection of licensees, businesses, or other activities where the government has a regulatory authority and is conducting the inspection based on a general regulatory scheme. The inspection of foreign trade zones by CBP officers is one example of a regulatory search. Vessel document checks by CBP officers or SAs assigned to a marine smuggling group are another example.

Airport security checks by the Transportation Security Administration (TSA) are regulatory searches. They are permissible without a warrant or probable cause, because the purpose of the checks is to ensure the safety of air traffic by finding weapons or other dangerous materials. Only TSA officials can conduct the checks.

The important thing that SAs must be aware of when dealing with regulatory searches is that they may not use a regulatory search as a pretext to conduct a criminal investigative search. SAs may, however, use any evidence discovered independently by TSA or another government agency during a routine regulatory search.

8.9 Administrative Searches

Certain types of administrative searches are allowed as exceptions to the warrant requirement under the Fourth Amendment. The one that is most relevant to SAs is an administrative search of a government employee's workspace. Although employees have a limited REP in their personal workspaces, such as a file cabinet or desk drawer, a warrantless search of an employee's workspace is authorized under two conditions: 1) the search is for a routine, work-related purpose, such as retrieving a file in an employee's absence; or 2) the search is conducted by a supervisor with reasonable suspicion that the search will reveal evidence of employee misconduct. In the second case, the misconduct must be of an administrative nature. An investigation into criminal misconduct requires probable cause and a search warrant.

Chapter 9. CUSTOMS BORDER SEARCH AUTHORITY

The Supreme Court has long recognized the right of the government to conduct searches and seizures at the borders of the United States without probable cause or a warrant. The reasons given for this authority are protection of the revenue through the collection of duty, reduced expectation of privacy at the border, and national self-protection against the introduction of prohibited, hazardous, or dangerous merchandise.

Note: The terms "customs officer" and "customs border search" predate the creation of DHS and ICE and are codified in Title 19 of the U.S. Code. Although the USCS no longer exists, "customs" is used in this chapter to draw a distinction between the ICE SA's customs authority under Title 19 and the SA's border authority under the INA, which is discussed in Chapter 10.

9.1 Customs Border Search

A customs border search is 1) performed by a customs officer 2) searching for merchandise 3) at the border.

9.2 Customs Officer

A customs officer is:

- A. An ICE SA.

- B. A CBP officer.
- C. A U.S. Coast Guard petty officer (grade E4 and above).
- D. Other law enforcement officers who have been formally cross-designated by the Secretary of Homeland Security or designee.

Pursuant to 19 U.S.C. § 507, SAs may demand assistance from any person when necessary to effect an arrest, search, or seizure. This would include border searches. The person providing assistance, however, has no independent authority to perform border searches.

9.3 Merchandise

Under 19 U.S.C. § 1401(c), merchandise is defined as “goods, wares, and chattels of every description” (see Section 3.29). (A chattel is any movable item of property, as opposed to real property.) This includes contraband and monetary instruments. Merchandise includes almost any material good, even beasts of burden and corpses.

9.4 Actual Border

As stated in Section 3.1, the actual border is defined as:

- A. The Land Border – the dividing line between the United States and Canada or Mexico.
- B. The Sea Border – 3 nautical miles from the coast of the United States; in Texas and the Gulf coast of Florida, 9 nautical miles from the coast.
- C. The Air Border – extends directly upward from the land and sea borders.

9.5 Functional Equivalent of the Border

Since in most cases it is impractical, if not impossible, for an SA to perform a search or seizure at the actual border, the law allows for border searches to be conducted at the functional equivalent of the border (FEB). For an FEB to exist in an inbound customs border search situation, all of the following circumstances must exist:

- A. The SA has reasonable certainty of a border nexus. Border nexus (see Section 3.6) is defined as a situation in which:
 - 1) Either the person or thing to be searched crossed the border, or
 - 2) The person or thing to be searched had meaningful contact with someone or something that crossed the border.

- B. The SA has reasonable certainty that no material change occurred since the border nexus. This means that any merchandise present at the time of the search was present at the time of the border nexus (i.e., there has been no opportunity to acquire domestic merchandise since the border crossing).
- C. The search occurs at the first practical detention point after the border nexus. This is not necessarily the first possible detention point. Although FEB searches usually take place at designated locations, such searches may occur anywhere in the United States where all the conditions establishing the FEB are met. The important thing that SAs must remember is that the FEB search must occur before the conveyance, cargo, or travelers enter into the general commerce of the United States.

Examples of the FEB are seaport POEs, international airport POEs, U.S. Postal Service international mail facilities, the importing hubs of express package carrier facilities, CBP bonded warehouses, and international cargo being transported in-bond.

FEB searches are not strictly limited to persons or items coming from outside the United States. If a person enters a secure customs area, such as a bonded warehouse or the Federal Inspection Services area at an international airport; comes in contact with a person or object that has just crossed the border; or comes in contact with a conveyance that has just crossed the border, such as an arriving international aircraft, that person is subject to a border search.

9.6 Functional Equivalent of the Border Outbound

SAs may conduct searches for merchandise that is traveling from the United States to a point outside the United States. SAs use these “outbound” searches most frequently in cases involving currency reporting violations or the illegal export of arms or other sensitive technologies. For outbound customs border searches, an FEB exists under the following circumstances:

- A. The SA has reasonable certainty that there will be a border nexus.
- B. The SA has reasonable certainty that there will be no material change before a border nexus occurs (i.e., any merchandise present now will be present at the time of crossing).
- C. The search occurs at the last practical detention point before the border nexus is to occur.

When conducting an outbound border search involving travelers, SAs should attempt to establish, through questioning, the person’s intention of leaving the United States. In those outbound searches involving potential currency reporting violations, SAs should also advise the traveler of the reporting requirements prior to conducting the border search. Legal requirements pertaining to currency reporting violations are discussed in greater detail in HSI policy on financial investigations.

9.7 Extended Border

Under some circumstances, border searches may be conducted away from the actual border or the FEB. This situation is known as the “extended border search” (see Section 3.16). For SAs, the most common situations involving an extended border search are controlled deliveries or cold convoys. In these situations, SAs deliberately allow contraband or other evidence of a criminal violation to pass further into the United States for investigative purposes. SAs retain their authority to conduct an extended border search of the merchandise if the following conditions apply:

- A. The SAs have reasonable certainty that there has been a border nexus.
- B. The SAs have reasonable certainty that there has been no material change since the border nexus. SAs can establish this certainty either through continuous surveillance or through surveillance accompanied by a logical argument. For example, suppose that a group of SAs loses sight of a vehicle during a cold convoy. When they regain sight of the vehicle, 10 minutes have passed and the vehicle is 12 miles further along the highway. Under all but the most extreme circumstances, SAs can reasonably infer that the vehicle had no time to stop and acquire domestic cargo during the gap in the surveillance.
- C. The SAs have reasonable suspicion of criminal activity.

A dwelling is never subject to a border search. Even if SAs follow contraband directly from the border to a residence, their authority to conduct a border search terminates at the threshold and Fourth Amendment safeguards apply.

9.8 Scope of a Customs Border Search

Although they are well recognized exceptions to the probable cause and warrant requirements of the Fourth Amendment, border searches must still be reasonable. Courts differentiate between “routine” and “non-routine” border searches. Routine border searches may be conducted without probable cause and a warrant. Non-routine border searches, such as a destructive search, require reasonable suspicion.

9.9 Personal Border Searches

When conducting a routine search of a person at the border, SAs may require that the individual remove an outer garment, such as a hat or jacket. They may also ask an individual to empty his or her pockets. SAs may search any personal effects or luggage carried by the person.

If SAs working in a border environment believe that an individual may be armed, they may conduct an immediate patdown of the individual. It may be conducted when there is reasonable suspicion that the person is armed. An immediate patdown is not a border search for merchandise, but rather a search conducted for the safety of the SAs and others. SAs should limit the immediate patdown to areas where they believe a weapon may be concealed.

Any border search beyond the scope of a routine personal search or an immediate patdown for weapons should be conducted by an SA of the same sex as the individual being searched. SAs should take care to conduct these more intensive personal searches in a private area away from the eyes of the public.

With some or mere suspicion, SAs may move a person to a private area and conduct a patdown search of an individual. As opposed to an immediate patdown for weapons, a patdown search is a search for merchandise and requires no suspicion. It may consist of one or more of the following actions:

- A. Patting the hands over the person's body.
- B. Removing the person's shoes.
- C. Lifting the pant leg or hem of a skirt a few inches.
- D. Removing a belt.
- E. Examining or reaching into pockets.
- F. Rolling up shirt sleeves.
- G. Removing a wig or hairpiece.

If, during the course of the patdown search, SAs develop reasonable suspicion that the person has merchandise concealed beneath the clothing, the SAs may conduct a partial body search. A partial body search is the removal of some of the clothing to recover an item hidden underneath. The removal of clothing should be limited to the area where the SAs believe the merchandise is hidden. The SAs should conduct a partial body search in a private area out of the public view. Unless the person refuses to cooperate, SAs should conduct the search by directing the person to remove his or her own clothing.

Any personal search related to the suspected concealment of merchandise within a person's body, i.e., x-ray or body cavity search, must be conducted by medical personnel and requires reasonable suspicion that the individual is concealing material evidence inside his or her body. In the absence of consent for an x-ray, monitored bowel movements may be conducted. All decisions regarding appropriate medical procedures for a patient are to be made by medical personnel only. CBP officers and SAs neither suggest nor concur in any medical procedure.

These types of searches are performed most frequently at a POE by CBP officers, with ICE HSI SAs assisting as part of the criminal investigation. CBP must adhere to its own set of procedures and approval processes when conducting these types of personal searches. SAs should cooperate in these procedures. For more information on these types of searches, SAs should consult the CBP Personal Search Handbook (HB 3300-04B), dated July 2004, or as updated.

SAs should be aware that, in any personal search involving a detention lasting more than 8 hours, SAs are required to contact the local USAO and obtain the concurrence of an AUSA in continuing the detention.

9.10 Customs Border Searches of Conveyances

SAs may search any vehicle in its entirety as part of a border search. This includes the interior, exterior, trunk, and any locked or unlocked containers. So long as the search is routine, it requires no suspicion on the part of the SAs. In the context of a border search, SAs may even dismantle parts of a vehicle to search for concealed merchandise with no suspicion. Any search that is destructive, however, requires reasonable suspicion on the part of the SAs that merchandise is concealed in the vehicle. Drilling holes in the bed of a truck, for example, would require reasonable suspicion on the part of the SAs.

SAs should not perform destructive searches or searches that involve the dismantling of vessels or vehicles without the assistance of a qualified mechanic. Due to safety considerations, SAs must request the assistance of a certified aviation mechanic when conducting more than a routine search of an aircraft.

9.11 Border Searches of Documents, Electronic Devices, and Electronic Media

On July 16, 2008, ICE issued ICE Directive 7-6.0 entitled, “Border Searches of Documents and Electronic Media.” On August 18, 2009, ICE issued ICE Directive 7-6.1 entitled, “Border Searches of Electronic Devices,” which superseded the portions of the earlier directive pertaining to electronic devices. The following is a summary of the issues addressed in these directives.

9.11.1 Policy

SAs may detain, for the purpose of further review, any documents, electronic media, or electronic devices at any point during a border search. Such a detention does not require individualized suspicion. The review may occur at the location where the detention takes place or at an off-site location, including a location associated with a demand for assistance from an outside agency or entity.

If, after reviewing the documents and electronic media, SAs do not develop probable cause to seize the documents or electronic media, all detained copies of the information must be destroyed. Any originals must be returned to the traveler, importer, or exporter as expeditiously as possible.

9.11.2 Timeliness of Review

When determining the amount of time deemed to be reasonable for detaining documents, electronic media, or electronic devices, SAs should consider:

- A. The nature of the documents or electronic media;

- B. The amount of information needing review;
- C. Whether the traveler was deprived of his or her property and, if so, whether the traveler was given the option of continuing his or her journey with the understanding that HSI would return the property once its border search was complete or a copy of the documents or media could be made;
- D. The elapsed time between the detention, the initial border search, and the continued border search, including any demand for assistance;
- E. Whether assistance was sought and the type of assistance;
- F. Whether and when ICE followed up with the agency or entity providing assistance to ensure a timely review;
- G. Whether the traveler has taken affirmative steps to prevent the search of his or her property in a timely fashion; and
- H. Any unanticipated exigency that may have arisen.

For detained documents or electronic media, SAs are to complete reviews within a reasonable amount of time.

Generally, searches of electronic devices should be completed within 30 calendar days of the date of detention, unless circumstances exist that warrant more time. Such circumstances must be documented in an ROI and approved by a Group Supervisor after the first 30 days, and again every 15 calendar days thereafter.

Whenever an SA detains originals or copies of documents or electronic media, or electronic devices, the SA will initiate a chain of custody form (CBP Form 6051D) or other appropriate documentation. Additionally, all detentions must be accounted for in accordance with recordkeeping procedures outlined in the OI memorandum entitled, "Recordkeeping Procedures Regarding Detentions of Documents and Electronic Media," dated December 12, 2008, or as updated. If it is determined that the detained documents or electronic media are to be seized, the SA must also enter the seizure into the Seized Asset and Case Tracking System (SEACATS) via the completion of a SEACATS Incident Report.

When SAs receive electronic devices, or copies of information therefrom, from CBP for analysis and investigation, SAs are responsible for advising CBP of the status of any such analysis within 10 calendar days.

9.11.3 Requesting Assistance with a Documentary Search

During a border search, SAs may encounter information in documents, electronic media, or electronic devices that is in a foreign language, presents technical difficulties, or is encrypted. To determine the meaning of such information, SAs may demand translation, technical, or

decryption assistance from other federal agencies or non-federal entities. SAs may seek such assistance absent individualized suspicion.

SAs may also encounter specialized information in documents or electronic media that require referral to subject matter experts to determine whether the information is relevant to the laws enforced and administered by HSI. SAs may demand such assistance when they have reasonable suspicion of activities in violation of the laws enforced by HSI.

For the purpose of obtaining subject matter expertise, SAs may create and transmit copies of information to other federal agencies or non-federal entities. Any original documents and media should be transmitted only when necessary to render the demanded assistance. If it is not necessary to transmit original documents and media, SAs should return the originals to the traveler immediately, barring continuing reasonable suspicion to detain.

It is the responsibility of the SAs demanding the assistance to ensure timely responses from assisting agencies or entities. If a demand for assistance is made outside of DHS, within the first 30 days after demanding the assistance, the SA demanding the assistance shall contact the assisting agency or entity for a status report on the request. If the assisting agency or entity anticipates needing more than 30 days to complete its review and analysis, the SAs shall continue to communicate with the assisting agency or entity on a regular basis until the review is complete and the results have been received. The SAs demanding the assistance shall document each communication with the assisting agency or entity. If assisting agencies or entities are not acting in a reasonable time, the SAs shall consult with a supervisor on what action is appropriate.

9.11.4 Sharing with Outside Agencies

When SAs determine that there is probable cause of unlawful activity, based on a review of information in documents or electronic media or on other facts and circumstances, they may seize and retain the originals and/or copies of the relevant documents or electronic media or relevant portions thereof, as authorized by law. Copies of documents or electronic media, or portions thereof, that are retained in accordance with this section, may be shared by SAs with federal, state, local, and foreign law enforcement agencies in accordance with applicable law and policy.

9.11.5 Travel and Identification Documents

Even without any suspicion of illegality, for legitimate government purposes, SAs may copy, retain, and share (1) identification documents such as U.S. or foreign certificates of naturalization, seaman's papers, airman certificates, driver's licenses, state identification cards, and similar government identification documents; and (2) travel documents that relate to the person's mode and date of travel into or out of the United States.

9.11.6 Attorney-Client Privilege

Occasionally, an individual claims that the attorney-client privilege prevents the search of his or her information at the border. Although legal materials are not necessarily exempt from a border search, they may be subject to special handling procedures.

Correspondence, court documents, and other legal documents may be covered by attorney-client privilege. If SAs suspect that the content of such a document may constitute evidence of a crime or otherwise pertain to a determination within the jurisdiction of ICE, the SAs must seek advice from the local OCC or the appropriate USAO before conducting a search of the document.

9.11.7 Border Searches of Foreign Mail

Letters and packages carried in the possession of a traveler are not mail, whether or not they are stamped. Letters or packages carried by private delivery services, such as Federal Express or the United Parcel Service, also are not mail. If they are packages, they may be opened and searched pursuant to a routine border search. If they are documents, SAs may open them and use the procedures for documentary searches outlined in the preceding subsections of Section 9.11.

To be considered mail for border search purposes, an item must be entering or leaving the mail stream of the U.S. Postal Service from or to a foreign country. For the purposes of this Handbook, there are two categories of mail: 1) a mail article, which includes packages or other items mailed at less than first class rate of postage; or 2) letter class mail, which includes letters, cards, packages, or other items mailed at a first class or higher rate of postage.

International mail must pass through a CBP international mail facility before entering the general mail delivery stream of the U.S. Postal Service. SAs should coordinate any search of foreign mail with CBP officers working at an international mail facility. Any possible border search of letter class mail shall be coordinated with CBP officers assigned to such international mail facility and conform to guidelines set forth in the USCS International Mail Operations and Enforcement Handbook (HB 3200-06A, dated August 2001, or as updated). Additionally, the U.S. Postal Service requires that it be notified and present at any border search of letter class mail. SAs should also consult with the local OCC or the local USAO when considering a border search of any article that may be considered mail.

Chapter 10. IMMIGRATION BORDER AUTHORITY

(b)(7)(E)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ANGEL ENRIQUE NUNEZ ESCOBAR, JESUS)
 ANTONIO SANCHEZ VILLALOBOS, JORGE)
 PALENCIA SARMIENTO, JOSE ARSENIO)
 QUINTANILLA GOMEZ, JAVIER ORLANDO)
 DERAS, JUAN BAUTISTA MENDEZ)
 MARTINEZ, GERARDO MORTEO MENDEZ,)
 ISIAS RAXCACO CAJBON, EDUARDO)
 CAHUEC GARCIA, MARVIN BENJAMIN)
 LOPEZ RAXICO, COSMER JUAREZ CAJBON,)
 CARLOS ROBERTO MENDEZ MARTINEZ,)
 DAVID SALGADO FIGUEROA, KIMBERLY)
 CUSTIS, and SHANNON NORIEGA LUCAS,)
 as parent and next friend of her child, B.B., a minor,)

Plaintiffs,

v.

Civil Action No. _____

LEE GAINES, Supervisory Detention and)
 Deportation Officer, Immigration and Customs)
 Enforcement ("ICE") Nashville Fugitive Operations)
 Team ("NVLFOOT"), CHRISTOPHER KOSHAR,)
 ICE Nashville Homeland Security Investigations)
 ("NVLHSI") Group Supervisor, ICE NVLFOT)
 Deportation Officers LEE C. WORSHAM,)
 BRADLEY EPLEY, ERIC H. LIM, and BRIAN)
 ABRAHAMSON, ICE NVLHSI Senior Special)
 Agents PATRICK RYAN HUBBARD,)
 JONATHON ANDREW HENDRIX, and)
 STEPHEN F. MCCORMICK, ICE NSVHSI)
 Special Agents WAYNE DICKY and)
 CHRISTOPHER LANE, DANIEL HASTINGS,)
 ICE Immigration Enforcement Agent, JANE DOE)
 ICE AGENTS 1-2, JOHN DOE ICE AGENTS)
 1-13, GARY KEMPER, Sergeant, Metropolitan)
 Nashville Police Department ("MNP") Gang)
 Unit, SHAUN HARDIN, Detective, MPND Gang)
 Unit, JANE ROE MNP OFFICERS 1-5, JOHN)
 ROE MNP OFFICERS 1-5, GREYSTAR)
 REAL ESTATE PARTNERS, LLC, TRITEX)
 REAL ESTATE ADVISORS, TRACY HALL,)
 CRIME SUPPRESSION SERVICES, and)

JURY DEMAND

Page 1 of 37

PAUL WEST,

Defendants.

)
)
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COMPLAINT

1. Beginning in early 2010, the Clairmont Apartment complex in Nashville, Tennessee ("Clairmont") fell into disrepair, was sold in bankruptcy proceedings and taken over by a company that allowed conditions to deteriorate in Clairmont units in what appears to be an effort to chase away its current residents, many of whom are of Latino ethnicity. The new management company that took over the Clairmont was hired to "clean house, and get the Hispanics gone." Within the course of one rental cycle, the management company abandoned its on-site offices, hired a notoriously harsh security company, allowed 2 buildings to lose hot water, began demanding social security numbers in order to sign a lease agreement and saw a large-scale, highly coordinated immigration/law enforcement raid that led to at least 20 immigration related detentions (but no criminal arrests) and caused scores of apartments to become vacant. The consequences of which effectively resulted in the mass exodus of Latino residents from Clairmont.

2. This is an action by 15 individuals (collectively, "Plaintiffs") who were victims of the large-scale, warrantless raid by Immigration and Customs Enforcement ("ICE"), the Metropolitan Nashville Police Department ("MNPd"), and private security guards at Clairmont on October 20, 2010 ("Clairmont raid").

3. Plaintiffs in this case include United States citizens. All but one of the Plaintiffs are Latino, and all were residents of Clairmont on October 20, 2010. Each Plaintiff was at Clairmont on the evening of October 20, 2010. when a team of ICE agents, MNPd officers, and private security guards raided numerous private residences without search warrants

or consent from the residents and without the existence of any exigent circumstances that would justify a warrantless search. Once inside the homes, agents and officers detained the occupants without judicial warrant or other legal justification, searched throughout the homes, and arrested several Plaintiffs without probable cause. Officers and agents also detained and interrogated, and in some cases arrested without any lawful justification, Plaintiffs as they sat in their lawfully parked cars or played outside.

4. Without cause or reasonable suspicion, ICE agents and MNPB officers detained, interrogated and arrested Clairmont residents based on their ethnicity, skin color, physical appearance and national origin.

5. Some of the Plaintiffs were subjected to physical and verbal abuse; others were interrogated, threatened or had firearms pointed at them. Many Plaintiffs were subjected to this illegal conduct in front of their families, including small children. Each Plaintiff suffered and continues to suffer from the effects of that abusive conduct.

6. No criminal charges have been brought against any of the Plaintiffs.

7. Tracy Hall, acting on behalf of Defendants Greystar Real Estate Partners, LLC and TriTex Real Estate Advisors, conspired with the ICE agents, MNPB officers, and Defendant Crime Suppression Services to aid in the unlawful raid. Hall was motivated by animus toward Plaintiffs based on their ethnicity, skin color, physical appearance, and perceived national origin.

8. Plaintiffs bring this action to secure and vindicate their rights under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution and federal civil rights laws.

JURISDICTION AND VENUE

9. The Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1343 (civil rights), and 28 U.S.C. §§ 2201–02 (declaratory relief). Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to Plaintiffs' claims occurred in this district, and also under 28 U.S.C. § 1391(e)(3), because at least one of the plaintiffs resides in this district.

PARTIES

Plaintiffs

Apartment F-106

10. Plaintiff **Angel Enrique Nuñez Escobar** ("Plaintiff Nuñez Escobar") is a resident of Nashville and of Latino ethnicity. He resided in Apartment F-106 at Clairmont on October 20, 2010.

11. Plaintiff **Jorge Palencia Sarmiento** ("Plaintiff Palencia Sarmiento") is a resident of Nashville and of Latino ethnicity. He resided in Apartment F-106 at Clairmont on October 20, 2010.

12. Plaintiff **Jose Arsenio Quintanilla Gomez** ("Plaintiff Quintanilla Gomez") was a resident of Nashville on October 20, 2010. He is of Latino ethnicity. He resided in Apartment F-106 at Clairmont on October 20, 2010.

13. Plaintiff **Javier Orlando Deras** ("Plaintiff Deras") was a resident of Nashville on October 20, 2010. He is of Latino ethnicity. He resided in Apartment F-106 at Clairmont on October 20, 2010.

14. Plaintiff **Gerardo Morteo Mendez** ("Plaintiff Morteo Mendez") is a resident of Nashville and of Latino ethnicity. He resided in Apartment F-106 at Clairmont on October 20, 2010.

15. Plaintiff **Jesus Antonio Sanchez Villalobos** ("Plaintiff Sanchez Villalobos") is a resident of Nashville and of Latino ethnicity. He resided in Apartment F-102 at Clairmont on October 20, 2010.

Apartment I-4

16. Plaintiff **Carlos Roberto Mendez Martinez** ("Plaintiff Carlos Mendez Martinez") is a resident of Nashville and of Latino ethnicity. He resided in Apartment I-4 at Clairmont on October 20, 2010.

17. Plaintiff **Juan Bautista Mendez Martinez** ("Plaintiff Juan Mendez Martinez") was a resident of Nashville on October 20, 2010. He is of Latino ethnicity. He resided in Apartment F-106 at Clairmont on October 20, 2010.

Apartment E-101

18. Plaintiff **David Salgado Figueroa** ("Plaintiff Salgado Figueroa") was a resident of Nashville on October 20, 2010, and is currently a resident of Antioch, Tennessee. He is of Latino ethnicity. He resided at Clairmont on October 20, 2010.

Clairmont Parking Lot Near Building L

19. Plaintiff **Isias Raxcaco Cajbon** ("Plaintiff Raxcaco Cajbon") is a resident of Nashville and of Latino ethnicity. He resided in Apartment L-3 at Clairmont on October 20, 2010.

20. Plaintiff **Eduardo Cahuec Garcia** ("Plaintiff Cahuec Garcia") is a resident of Nashville and of Latino ethnicity. He resided in Apartment L-3 at Clairmont on October 20, 2010.

21. Plaintiff **Marvin Benjamin Lopez Raxico** ("Plaintiff Lopez Raxico") is a resident of Nashville and of Latino ethnicity. He resided in Apartment L-3 at Clairmont on October 20, 2010.

22. Plaintiff **Cosmer Juarez Cajbon** ("Plaintiff Juarez Cajbon") is a resident of Nashville and of Latino ethnicity. He resided in Apartment L-3 at Clairmont on October 20, 2010.

23. Plaintiffs Nuñez Escobar, Palencia Sarmiento, Quintanilla Gomez, Deras, Morteo Mendez, Sanchez Villalobos, Carlos Mendez Martinez, Juan Mendez Martinez, Salgado Figueroa, Raxcaco Cajbon, Cahuec Garcia, Lopez Raxico, and Juarez Cajbon shall collectively be referred to as "Arrestee Plaintiffs."

Apartment F-102

24. Plaintiff **Kimberly Custis** ("Plaintiff Custis") is a Nashville resident and United States citizen. She resided in Apartment F-102 at Clairmont on October 20, 2010.

25. Plaintiffs Nuñez Escobar, Palencia Sarmiento, Quintanilla Gomez, Deras, Morteo Mendez, Carlos Mendez Martinez, Juan Mendez Martinez, and Custis shall collectively be referred to as "Home Raid Plaintiffs."

Playground

26. Plaintiff **Shannon Noriega Lucas** ("Plaintiff Noriega Lucas") is a Nashville resident and United States citizen who brings this action as parent and next friend of her child **B.B.**, a Latino child who is also a United States citizen. **B.B.**, a minor, was playing soccer at the

Clairmont playground when he was unlawfully stopped, detained, and interrogated by an ICE agent on October 20, 2010.

Defendants

ICE Defendants

27. Defendant **Lee Gaines** ("Defendant Gaines") was at all times relevant to this action a Supervisory Detention and Deportation Officer with the ICE Nashville Fugitive Operations Team ("NVLFOT"). On information and belief, he was an on-site supervisor of the Clairmont raid. Defendant Gaines is sued in his individual capacity. During all times mentioned in this Complaint, Defendant Gaines acted under color of federal law.

28. Defendant **Christopher Koshar** ("Defendant Koshar") was at all times relevant to this action a Group Supervisor of Nashville Homeland Security Investigations ("NVLHSI"). Homeland Security Investigations ("HSI") is the investigative arm of ICE. On information and belief, he was an on-site supervisor of the Clairmont raid. Defendant Koshar is sued in his individual capacity. During all times mentioned in this Complaint, Defendant Koshar acted under color of federal law.

29. Defendant **Lee C. Worsham** ("Defendant Worsham") was at all times relevant to this action a Deportation Officer of the NVLFOT. He participated in the planning and execution of the Clairmont raid. Defendant Worsham is sued in his individual capacity. During all times mentioned in this Complaint, Defendant Worsham acted under color of federal law.

30. Defendant **Bradley Epley** ("Defendant Epley") was at all times relevant to this action a Deportation Officer of the NVLFOT. He participated in the Clairmont raid.

Defendant Epley is sued in his individual capacity. During all times mentioned in this Complaint, Defendant Epley acted under color of federal law.

31. Defendant **Eric H. Lim** ("Defendant Lim") was at all times relevant to this action a Deportation Officer of the NVLFOT. He participated in the Clairmont raid. Defendant Lim is sued in his individual capacity. During all times mentioned in this Complaint, Defendant Lim acted under color of federal law.

32. Defendant **Brian Abrahamson** ("Defendant Abrahamson") was at all times relevant to this action a Deportation Officer of the NVLFOT. He participated in the Clairmont raid. Defendant Abrahamson is sued in his individual capacity. During all times mentioned in this Complaint, Defendant Abrahamson acted under color of federal law.

33. Defendant **Patrick Ryan Hubbard** ("Defendant Hubbard") was at all times relevant to this action a Senior Special Agent of the NVLHSI group. He participated in the planning and execution of the Clairmont raid. Defendant Hubbard is sued in his individual capacity. During all times mentioned in this Complaint, Defendant Hubbard acted under color of federal law.

34. Defendant **Jonathon Andrew Hendrix** ("Defendant Hendrix") was at all times relevant to this action a Senior Special Agent of the NVLHSI group. He participated in the Clairmont raid. Defendant Hendrix is sued in his individual capacity. During all times mentioned in this Complaint, Defendant Hendrix acted under color of federal law.

35. Defendant **Stephen F. McCormick** ("Defendant McCormick") was at all times relevant to this action a Senior Special Agent of the NVLHSI group. He participated in the Clairmont raid. Defendant McCormick is sued in his individual capacity. During all times mentioned in this Complaint, Defendant McCormick acted under color of federal law.

36. Defendant **Wayne Dickey** ("Defendant Dickey") was at all times relevant to this action a Special Agent of the NVLHSI group. He participated in the Clairmont raid. Defendant Dickey is sued in his individual capacity. During all times mentioned in this Complaint, Defendant Dickey acted under color of federal law.

37. Defendant **Christopher Lane** ("Defendant Lane") was at all times relevant to this action a Special Agent of the NVLHSI group. He participated in the Clairmont raid. Defendant Lane is sued in his individual capacity. During all times mentioned in this Complaint, Defendant Lane acted under color of federal law.

38. Defendant **Daniel Hastings** ("Defendant Hastings") was at all times relevant to this action an ICE Immigration Enforcement Agent based in Nashville, Tennessee. Defendant Hastings took part in the Clairmont raid and the arrest, processing, and detention of Plaintiffs. Defendant Hastings is sued in his individual capacity. During all times mentioned in this Complaint, Defendant Hastings acted under color of federal law.

39. Defendants **Jane Does 1 and 2** were at all times relevant to this action ICE agents and/or ICE supervisors. Defendant Jane Does 1 and 2 personally participated in the Clairmont raid. They are sued in their individual capacities. During all times mentioned in this Complaint, Defendant Jane Does 1 and 2 acted under color of federal law.

40. Defendants **John Does 1 through 13** were at all times relevant to this action ICE agents and/or ICE supervisors. Defendant John Does 1 through 13 personally participated in the Clairmont raid. They are sued in their individual capacities. During all times mentioned in this Complaint, Defendant John Does 1 through 13 acted under color of federal law.

41. Plaintiffs are unaware of the true names and capacities, whether individual or otherwise, of Defendants Jane Doe 1 and 2 or Defendants John Doe 1 through 13, inclusive, and

therefore sue those Defendants by fictitious names. These Doe Defendants are responsible and liable for the acts and/or damages alleged in this Complaint. Plaintiffs will amend this Complaint to allege the Doe Defendants' true names and capacities when they have been ascertained.

42. Defendants Lane, Lim, McCormick, Worsham, Abrahamson, Epley, Hastings and Jane Doe 1 shall collectively be referred to as "F-106 Agents."

43. Defendants Hubbard, Hendrix, Abrahamson, and John Does 1 and 2 shall collectively be referred to as "I-4 Agents."

44. Defendants Lim, Abrahamson, Epley, Worsham, John Does 3 through 6, and Jane Doe 2 shall collectively be referred to as "E-101 Agents."

45. Defendants Lim, Hendrix, Worsham, Abrahamson, Epley, and Hastings shall collectively be referred to as "Parking Lot Agents."

46. Defendants John Does 7 through 12 shall collectively be referred to as "F-102 Agents."

MNPD Defendants

47. Defendant **Sergeant Gary Kemper** ("Defendant Kemper") was, on information and belief, at all times relevant to this action a supervisory officer of the MNPD's Gang Unit. He participated in the planning, supervision, and execution of the Clairmont raid. He is sued in his individual capacity. During all times mentioned in this Complaint, Defendant Kemper acted under color of state or federal law.

48. Defendant **Shaun Hardin** ("Defendant Hardin") was, on information and belief, at all times relevant to this action a detective with the MNPD's Gang Unit. He participated in the planning and execution of the Clairmont raid. He is sued in his individual

capacity. During all times mentioned in this Complaint, Defendant Hardin acted under color of state or federal law.

49. Defendants **Jane Roe 1 through 5** were, on information and belief, at all times relevant to this action officers of the MNPd who participated in the Clairmont raid. Defendants Jane Roe 1 through 5 are sued in their individual capacities. During all times mentioned in this Complaint, Defendants Jane Roe 1 through 5 acted under color of state or federal law.

50. Defendants **John Roe 1 through 5** were, on information and belief, at all times relevant to this action officers of the MNPd who participated in the Clairmont raid. Defendants John Roe 1 through 5 are sued in their individual capacities. During all times mentioned in this Complaint, Defendants John Roe 1 through 5 acted under color of state or federal law.

51. Plaintiffs are unaware of the true names and capacities, whether individual or otherwise, of Defendants Jane Roe 1 through 5 or Defendants John Roe 1 through 5, inclusive, and therefore sue those Defendants by fictitious names. These Roe Defendants are responsible and liable for the acts and/or damages alleged in this Complaint. Plaintiffs will amend this Complaint to allege the Roe Defendants' true names and capacities when they have been ascertained.

Private Party Defendants

52. Defendant **Greystar Real Estate Partners, LLC** ("Greystar") is a limited liability corporation headquartered in Charleston, South Carolina. At all times relevant to this action, Greystar managed Clairmont. Greystar's management responsibilities at Clairmont included the hiring, training, supervision, and payment of on-site leasing, management, security,

and maintenance staff. At all times mentioned in this complaint, Defendant Greystar and its employees acted under color of state or federal law.

53. Defendant **TriTex Real Estate Advisors, Inc.** ("TriTex") is a Delaware corporation headquartered in Atlanta, Georgia. TriTex purchased Clairmont in 2010. TriTex replaced Clairmont's previous management company with Greystar shortly after purchasing the property. At all times mentioned in this complaint, Defendant Tritex and its employees acted under color of state or federal law.

54. Defendant **Tracy Hall** ("Defendant Hall") was at all times relevant to this action a Greystar regional manager with responsibility for Clairmont. She was under the employment and supervision of Defendant Greystar, its agents and employees. At all times mentioned in this complaint, Defendant Hall acted under color of state or federal law.

55. Defendant **Crime Suppression Services** ("Defendant CSS") is a private security company headquartered in Nashville, Tennessee. Defendants Greystar and/or TriTex hired Defendant CSS to provide 24-hour on-site patrol and security services at Clairmont beginning in October 2010. CSS was on site and assisted in the October 20, 2010 raid at the Clairmont. At all times mentioned in this complaint, Defendant CSS and its employees acted under color of state or federal law.

56. Defendant **Paul West** ("Defendant West") is the "Chief" and owner of Defendant CSS. Defendant West personally patrolled Clairmont in his CSS uniform with a firearm during and after October 2010. Defendant West performed armed security guard duties at Clairmont during October 2010, including, but not limited to, detaining individuals and contacting MNPd to request their arrest. Defendant West's security license expired on July 31, 2010. Upon information and belief, Defendant West knew of and assisted with the preparation

for and execution of the October 20, 2010 raid. At all times mentioned in this complaint, Defendant West acted under color of state or federal law.

STATEMENT OF FACTS

57. Clairmont is comprised of multiple two and three-story residential apartment buildings, and has more than 200 rental units. On October 20, 2010, on information and belief, Clairmont's residents were predominately Latino.

Apartment F-106

58. Up to and including October 20, 2010, Plaintiffs Deras, Nuñez Escobar, Morteo Mendez, Palencia Sarmiento, and Quintanilla Gomez lived in Apartment F-106 at Clairmont.

59. Apartment F-106 is a small, two-bedroom, one-bathroom apartment.

60. Plaintiff Sanchez Villalobos lived just down the hall in Apartment F-102 with his fiancée, Plaintiff Custis.

61. Plaintiff Sanchez Villalobos entered Apartment F-106 shortly before the apartment was raided.

62. On information and belief, the F-106 Agents surrounded Apartment F-106 sometime after the raid of the apartment complex began.

63. All doors and all windows in Apartment F-106 were closed and locked at the time ICE agents surrounded the apartment.

64. One or more of the F-106 Agents in the interior hallway banged loudly on the door. One male voice yelled, "Police! Police!" Another voice shouted, "Policía! Policía!"

65. When no one answered the agents' shouts and bangs against the hallway door, one or more of the F-106 Agents slammed against it repeatedly and turned the door's handle vigorously, attempting to force the door open.

66. When the banging began, Plaintiff Nuñez Escobar was on his bed. Plaintiff Palencia Sarmiento was lying asleep in his bed on the other side of the bedroom. Plaintiffs Quintanilla Gomez and Morteo Mendez joined Nuñez Escobar and Palencia Sarmiento in the first bedroom and closed the door behind them.

67. When the banging on their door began, Plaintiffs Sanchez Villalobos and Deras went into the second bedroom. They closed the bedroom door behind them.

68. As the occupants went into the apartment's bedrooms, one or more of the F-106 Agents slammed objects against the exterior side of each bedroom's window, attempting to break or pry them open.

69. One or more of the F-106 Agents also shined flashlights through the bedroom windows.

70. Plaintiff Sanchez Villalobos hid in a closet and Plaintiff Deras locked himself in the apartment's only bathroom.

71. Without a search warrant, the existence of exigent circumstances, or consent to do so, several F-106 Agents forced their entry through the apartment's hallway door.

72. Upon information and belief, the F-106 Agents who forced entry through the hallway door then unlocked and opened the rear entry to the apartment – a sliding glass door – to allow the entry of additional ICE agents standing outside on the patio.

First Bedroom

73. Several of the F-106 Agents stood outside the first bedroom. One of the agents shouted, "Abren la puerta, putos!" ("Open the door, bitches!").

74. Seconds later, one of the F-106 Agents opened the door to the first bedroom and entered the bedroom with his gun drawn.

75. Immediately after forcing open the door, the ICE agent yelled, "We have four here! Four Mexican sons of bitches!"

76. The ICE agent who entered the bedroom pointed his gun at Plaintiffs Quintanilla Gomez, Morteo Mendez, Nuñez Escobar and Palencia Sarmiento. None of the Plaintiffs were armed, and none attempted to flee.

77. Plaintiffs Quintanilla Gomez, Morteo Mendez, Nuñez Escobar and Palencia Sarmiento did not feel free to leave.

78. While pointing his gun at Plaintiffs, the agent taunted Plaintiffs by saying, "You didn't think we could get in."

79. Two or more additional F-106 Agents entered the first bedroom after the ICE agent who entered first. They entered with their weapons out of their holsters and in their hands.

80. Three or more F-106 Agents grabbed Plaintiffs Palencia Sarmiento, Quintanilla Gomez, Morteo Mendez, and Nuñez Escobar, and forced them into the hallway of the apartment and then into the living room.

81. Once in the living room, some of the F-106 agents placed Plaintiffs Palencia Sarmiento, Quintanilla Gomez, Morteo Mendez, and Nuñez Escobar in handcuffs.

82. At no time before placing Plaintiffs Palencia Sarmiento, Quintanilla Gomez, Morteo Mendez, and Nuñez Escobar under arrest did any of the ICE agents ask any Plaintiff about his legal right to be in the United States.

83. A short time later, Plaintiffs Palencia Sarmiento, Quintanilla Gomez, Morteo Mendez, and Nuñez Escobar were taken to transport vans waiting in the Clairmont parking lot.

Second Bedroom

84. At approximately the same time that several of the F-106 Agents were entering the first bedroom, on information and belief, other F-106 Agents broke the window of the second bedroom from the outside and at least two of the F-106 Agents climbed into the apartment through the broken window without a warrant, without the existence of exigent circumstance and without consent to do so.

85. One of the F-106 Agents pointed his gun at Plaintiff Sanchez Villalobos's head at close range. The agent had his finger on the trigger. Plaintiff Sanchez Villalobos was unarmed and was not attempting to flee.

86. One of the F-106 Agents pulled Plaintiff Sanchez Villalobos's hands behind his back.

87. While pointing a gun to the back of his head, one or more of the F-106 Agents forced Plaintiff Sanchez Villalobos through the apartment and out the front door into the interior hallway of Building F.

88. One of the F-106 Agents handcuffed Plaintiff Sanchez Villalobos with his hands behind his back.

89. One of the F-106 Agents forced Plaintiff Sanchez Villalobos to face the wall of the hallway.

90. While two of the F-106 Agents forced Plaintiff Sanchez Villalobos out of the apartment, two different F-106 Agents kicked in the hallway door to the bathroom.

91. One of the F-106 Agents entered the bathroom and immediately put his gun to Plaintiff Deras's head. Plaintiff Deras was unarmed and was not attempting to flee.

92. While pointing a gun to the back of his head, one or more of the F-106 Agents forced Plaintiff Deras through the apartment and out the front door into the interior hallway of Building F.

93. While in the hallway, one of the F-106 Agents handcuffed Plaintiff Sanchez Villalobos with his hands behind his back.

94. One of the F-106 Agents asked Plaintiffs Sanchez Villalobos and Deras where they were from.

95. Plaintiff Sanchez Villalobos did not respond. One of the F-106 Agents shouted at Plaintiff Sanchez Villalobos, "where the fuck are you from?" The agent then repeated the question once or twice more. Each time he asked the question, the agent pressed Plaintiff Sanchez Villalobos's head into a wall, causing his face to painfully strike the wall, which was made of stucco.

96. Plaintiff Sanchez Villalobos told Plaintiff Deras not to answer the agent's question. One of the F-106 Agents shouted at Plaintiff Sanchez Villalobos to "shut the fuck up."

97. Ultimately, out of fear, Plaintiff Sanchez Villalobos responded to the agent's question. Plaintiff Deras also responded to the agent's question because he was afraid.

98. Plaintiff Sanchez Villalobos asked one of the F-106 Agents if ICE had a warrant. The agent said something to the effect of "we don't need a warrant, we're ICE." The

agent also gestured at his genitals and said something like "the warrant is coming out of my balls."

99. Without a judicial warrant and without obtaining the consent of any of the residents, the F-106 Agents searched Apartment F-106.

100. While in Apartment F-106, one or more of the F-106 Agents made numerous ethnically-derogatory and insulting statements in Spanish and in English, including:

- a. "These fucking wetbacks! They are stupid!"
- b. "Assholes"
- c. "Little Mexicans"
- d. "Little Indians"
- e. "Idiots"

101. At no time did any apartment resident consent to the entry of ICE agents or any other law enforcement officer, nor did Defendants have a judicial warrant to search or enter the premises.

102. No agent ever possessed or presented any warrant of any kind.

103. Nothing illegal was found in F-106. No criminal charges were filed against any of the Plaintiffs in Apartment F-106.

104. Plaintiffs Deras, Nuñez Escobar, Morteo Mendez, Palencia Sarmiento, Quintanilla Gomez, and Sanchez Villalobos were each arrested, transported to the Nashville ICE office at 247 Venture Circle, and ultimately charged with alleged administrative violations of civil immigration law.

Apartment I-4

105. Up to and including October 20, 2010, Plaintiffs Carlos Mendez Martinez and Juan Mendez Martinez lived in Clairmont Apartment F-106 with Rene Antonio Bu Portillo and Pedro Jacinto Rodriguez Cruz.

106. Apartment I-4 is a small, two-bedroom, one-bathroom apartment.

107. After detaining Pedro Jacinto Rodriguez Cruz and Rene Antonio Bu Portillo outside of the apartment, several of the I-4 Agents knocked on the door of Apartment I-4.

108. None of the I-4 Agents identified themselves while knocking on the door.

109. Believing Mr. Bu Portillo had locked himself out of the apartment, and unaware of what had taken place outside, Plaintiff Carlos Mendez-Martinez came to the door.

110. He opened the door slightly to see who was knocking.

111. As soon as Plaintiff Carlos Mendez-Martinez opened the door a few inches, he saw four or five men standing outside with black vests that said, "POLICE" and "ICE" on them.

112. One of the I-4 Agents immediately forced the door open and pushed his way inside the apartment, followed by two or three more of the I-4 Agents.

113. No agent ever asked Plaintiff Carlos Mendez Martinez for his permission to enter the apartment.

114. At no time did any apartment resident consent to the entry of ICE agents or any other law enforcement officer, nor did Defendants have a warrant to search or enter the premises.

115. No agent ever possessed or presented any warrant of any kind authorizing entry.

116. One of the I-4 Agents instructed Plaintiffs Carlos Mendez Martinez and Juan Mendez Martinez to sit down as several I-4 Agents began searching the apartment.

117. One of the I-4 Agent demanded identification from Plaintiffs.

118. Neither Plaintiff felt free to refuse the ICE agent's demand for their identification.

119. When Plaintiffs Carlos Mendez Martinez and Juan Mendez Martinez were unable to produce identification acceptable to the agents, they were arrested and ultimately charged with alleged administrative violations of civil immigration laws.

120. Nothing illegal was found in the I-4 apartment. No criminal charges were filed against the Plaintiffs in Apartment I-4.

121. Plaintiffs Carlos Mendez Martinez and Juan Mendez Martinez were transported to the Nashville ICE office at 247 Venture Circle.

Apartment E-101

122. Up to and including October 20, 2010, Plaintiff Salgado Figueroa lived at Clairmont with his wife and two daughters, his mother Lucina Figueroa, and his niece and nephew.

123. On October 20, 2010, at approximately 4:30 p.m., Plaintiff Salgado Figueroa went to Apartment E-101, where his sister Juliana Miranda lived with her husband and four minor children.

124. Apartment E-101 is a small, two-bedroom, one-bathroom apartment.

125. Juliana, her husband, and their four minor children were at home. Also present in Apartment E-101 were Plaintiff Salgado Figueroa's mother, Lucina Figueroa, his

sister Jazmin Miranda, Ms. Miranda's friend Brian Escobar, and five of Plaintiff Salgado Figueroa's nieces and nephews.

126. Shortly after arriving at Apartment E-101, Plaintiff Salgado Figueroa was in the kitchen when his mother told the children to come inside the apartment.

127. The children came into the apartment through a sliding glass door that looked out on a small park at the center of several Clairmont buildings.

128. Ms. Figueroa began to close the sliding glass door behind the children.

129. Plaintiff Salgado Figueroa saw several men wearing bulletproof vests and with weapons in holsters standing outside. Some were wearing uniforms.

130. One of the officers prevented Ms. Figueroa from closing the door to her home and asked for "Brian."

131. On information and belief, Defendant Hardin was the officer who prevented Ms. Figueroa from closing the door and asked for "Brian."

132. Ms. Figueroa told Defendant Hardin that Brian was in one of the bedrooms.

133. Defendant Hardin placed his hand on his gun in his holster, and used his radio.

134. Approximately six other MNPd officers and/or ICE agents entered the apartment through the sliding glass door. Each officer and/or agent had his or her hand on a holstered gun when he or she entered the apartment.

135. Approximately four MNPd officers and/or ICE agents remained outside the apartment, standing on the patio, and visible to the people inside the apartment.

136. Several officers and/or agents, including Defendant Hardin, went into one of the bedrooms and brought Brian Escobar out of the room.

137. Other agents and/or officers forced everyone in the apartment to stay in the living room and kitchen area of the apartment, and forced most individuals to sit on the couch or stand with his or her back against a wall. All complied.

138. Plaintiff Salgado Figueroa and the other individuals in the apartment did not feel free to leave.

139. The children in the apartment were extremely frightened and upset, and were crying.

140. One of the officers and/or agents asked Plaintiff Salgado Figueroa and his brother-in-law for identification. Plaintiff Salgado Figueroa provided identification to the officer or agent.

141. The officer or agent instructed Plaintiff Salgado Figueroa and his brother-in-law to go outside to the patio.

142. Plaintiff Salgado Figueroa did not feel free to refuse the officer or agent's instruction and complied.

143. The officer or agent forced Plaintiff Salgado Figueroa and his brother-in-law to sit on chairs on the patio.

144. Plaintiff Salgado Figueroa and his brother-in-law did not feel free to leave.

145. The officer or agent demanded that Plaintiff Salgado Figueroa and his brother-in-law provide information about Brian Escobar and threatened that they would be arrested if they did not provide information.

146. Plaintiff Salgado Figueroa and his brother-in-law did not provide information about Brian Escobar, and they were handcuffed, arrested and ultimately charged with alleged administrative violations of civil immigration law.

147. They were led from the patio to a vehicle in the Clairmont parking lot.

148. Plaintiff Salgado Figueroa's handcuffs were very tight and hurt his wrists. He asked one of the agents to loosen the handcuffs a little bit. The agent responded by threatening to make the handcuffs even tighter.

149. Nothing illegal was found in Apartment E-101. No criminal charges were filed against Plaintiff Salgado Figueroa.

150. Plaintiff Salgado Figueroa was transported to the Nashville ICE office at 247 Venture Circle.

Clairmont Parking Lot Near Building L

151. When the raid began, Plaintiffs Raxaco Cajbon, Cahuec Garcia, Lopez Raxico, and Juarez Cajbon were inside their residence, Apartment L-3.

152. Plaintiffs Lopez Raxico, Juarez Cajbon, and Raxaco Cajbon walked outside to get into Plaintiff Lopez Raxico's vehicle which was parked nearby in the complex's parking lot.

153. Plaintiff Cahuec Garcia, who was inside the apartment changing his clothing, followed moments later.

154. Almost instantly after Plaintiff Cahuec Garcia got into the vehicle, four or five of the Parking Lot Agents, without any suspicion of any unlawful activity or lawful justification, converged on the vehicle and surrounded it from the front, back, and on both sides.

155. Several of the agents had their hands on their holstered pistols.

156. One of the Parking Lot Agents tapped on Plaintiff Lopez Raxico's driver-side window with a flashlight. The agent motioned to Plaintiff Lopez Raxico to roll down the

window. Plaintiff Lopez Raxico complied. The agent motion for Plaintiff Lopez Raxico to put his hands on the steering wheel, and Plaintiff Lopez Raxico again complied.

157. One of the Parking Lot Agents asked Plaintiff Lopez Raxico if he was in the country lawfully. Plaintiff Lopez did not respond.

158. Without any lawful justification, Plaintiff Lopez Raxico was handcuffed through the open window, with his hands still on the steering wheel.

159. Without any lawful justification, the other three occupants of the vehicle were then taken from the vehicle by one or more of the Parking Lot Agents, handcuffed, arrested and ultimately charged with alleged administrative violations of civil immigration law.

160. Nothing illegal was found in the vehicle. No criminal charges were filed against Plaintiffs Raxaco Cajbon, Cahuec Garcia, Lopez Raxico, and Juarez Cajbon.

161. Plaintiffs Raxaco Cajbon, Cahuec Garcia, Lopez Raxico, and Juarez Cajbon were transported to the Nashville ICE office at 247 Venture Circle.

162. While handcuffed, Plaintiffs Raxaco Cajbon, Cahuec Garcia, Lopez Raxico, and Juarez Cajbon were pushed into a very crowded white van. The van was so full of other detainees that it was difficult to close the van doors. After placing Plaintiffs inside the van, a nearby agent yelled "Goddamn Mexicans."

163. While in the van, Plaintiff Juarez Cajbon complained to an ICE agent that his handcuffs were too tight and were causing him pain.

164. On information and belief, the agent to whom Plaintiff Juarez Cajbon complained was Defendant Lim.

165. Defendant Lim responded by making the handcuffs even tighter, causing Plaintiff Juarez Cajbon additional pain and discomfort.

166. Defendant Lim also made Plaintiff Raxcaco Cajbon's handcuffs unnecessarily tight.

167. At one point, one of the handcuffed men shouted to the agents and/or officers in the van, "Please don't treat us like animals."

168. One of agents and/or officers told the arrestees to "Shut up" and then the agents and/or officers all laughed.

Apartment F-102

169. Up to and including October 20, 2010, Plaintiff Custis resided with Plaintiff Sanchez and Roberto Banales Ramirez in Apartment F-102.

170. Plaintiff Custis was not at Clairmont when the raid began on October 20, 2010. She was running errands with her neighbor, Dany Flores, who is of Latino ethnicity, and their friend, Stacy Perez.

171. When Plaintiff Custis arrived at Clairmont in her car, her vehicle was immediately surrounded by between four and six of the F-102 Agents, acting without lawful justification, who demanded identification from her, Mr. Flores, and Ms. Perez.

172. One or more of the F-102 Agents demanded identification from Mr. Flores and when he could not produce identification acceptable to the agents, he was arrested immediately and ultimately charged with alleged administrative violations of civil immigration law.

173. Several of the F-102 Agents detained and questioned Plaintiff Custis regarding her identity and her right to be at Clairmont. Plaintiff Custis did not feel free to leave during this detention and questioning.

174. After presenting identification and answering the agents' questions, Plaintiff Custis and Ms. Perez were allowed to walk back toward Plaintiff Custis' apartment. As they began walking down the sidewalk toward the apartment, they were joined by Mr. Banales Ramirez. While they were walking, between four and six F-102 Agents followed them.

175. As Plaintiff Custis and her companions entered her residence through the sliding glass door, several of the F-102 Agents followed her in. Two more F-102 Agents stood outside on the patio.

176. None of the agents who entered asked permission before coming into Apartment F-102.

177. Plaintiff Custis asked, "Do you have a warrant?" One of the F-102 Agents who was already inside the apartment replied, "We're searching for fugitives."

178. Another of the F-102 Agents then said to Plaintiff Custis, "You need to just be quiet, Ma'am. Be quiet and sit down right there." He motioned to the sofa. Plaintiff Custis, Mr. Banales Ramirez, and Ms. Perez sat down because they believed they had no choice.

179. Plaintiff Custis did not feel free to leave during the encounter in the living room.

180. Two of the F-102 Agents went into the kitchen. Other F-102 Agents searched through both bedrooms and the bathrooms.

181. No fugitives were found in Plaintiff Custis' apartment. Nothing illegal was found in Plaintiff Custis' home. No criminal charges were filed against Plaintiff Custis.

Playground

182. On October 20, 2010, B.B., a 13 year old Latino child, was playing soccer at the playground of the Clairmont with his cousin.

183. When he saw the ICE agents and MNPd officers arrive at the Clairmont, B.B. started walking home.

184. As he was walking, B.B. was approached by ICE agent Defendant John Doe 13, who blocked B.B.'s path and ordered him to "stop right there."

185. The agent demanded to know where he was from, where his was born, and his date of birth.

186. Once B.B. told Defendant John Doe 13 that he was a United States citizen and that he was born in the United States, the agent said that B.B. was "okay" and that he was free to leave.

187. B.B. was frightened during this detention and questioning and did not feel free to leave.

Conspiracy Between All Defendants

188. Beginning at least as early as September 23, 2010, Defendant Hall, on behalf of Defendants TriTex and Greystar, communicated to MNPd her intention to "clean house" and rid Clairmont of certain residents based on their ethnicity, skin color, physical appearance, and/or perceived national origin.

189. In furtherance of her goal and at Defendant Hall's request, CSS employees or agents conducted surveillance of Clairmont apartments, residents, and guests beginning on or around October 4, 2010 and relayed information to Defendants Hall, Worsham, Hubbard and/or Hardin, including the license plate numbers, whereabouts, and comings and goings of Clairmont residents and guests.

190. When they patrolled the Clairmont, CSS patrol cars and CSS employees and agents appeared indistinguishable from the vehicles and agents of several local, public law

enforcement agencies. Defendant CSS provided patrol vehicles equipped with lights and sirens; the driver's side door of each CSS patrol unit displayed a shield that read "Crime Suppression Unit" (which were nearly identical to the markings on MNPd police vehicles); CSS guards wore black or dark blue uniforms with shields, badges, rankings, and radios; and they displayed firearms, handcuffs, and other weapons.

191. Also in furtherance of her goal, Defendant Hall communicated multiple times with MNPd Defendants, including, but not limited to, Defendants Hardin and Kemper, ICE Defendants, including, but not limited to, Defendants Hubbard and Worsham, and Defendant Paul West.

192. Defendants Worsham, Hardin, Hall and West, met and/or communicated regularly in the weeks leading up to the October 20, 2010.

193. On information and belief, during these multiple conversations, Defendants Worsham, Hardin and Hall and others devised a plan to fulfill Defendant Hall's goal to "clean house" and rid Clairmont of the Latino residents.

194. Upon information and belief, and at Defendant Hall's instruction, Defendant CSS officers made copies of apartment keys available to Defendant ICE agents and/or MNPd Officers before and during the October 20, 2010 raid to give Defendant ICE agents and/or MNPd officers access to the apartments.

195. In furtherance of that agreement and under the guise of searching for alleged gang members, Defendants Hardin, Worsham, Hall and others jointly developed a plan to rid the apartment complex of Latino residents.

196. As was the plan, no arrest or search warrants were ever obtained for any resident or alleged gang members at the Clairmont on October 20, 2010. Instead, without

judicial or administrative warrants, ICE Defendants, supported by MNPB Defendants (and with the knowledge and consent of Defendant Hall), stopped, detained and arrested over 20 individuals based on their ethnicity, skin color, and physical appearance without cause or consent and in violation of their constitutional rights.

197. Defendant CSS employees or agents accompanied Defendant ICE agents and MNPB officers around the Clairmont during the raid on October 20, 2010.

198. The conspiracy amongst all the Defendants to rid Clairmont of its Latino residents, and stop, detain and arrest individuals based on ethnicity, skin color, and physical appearance was planned and executed under color of state law, federal law, or both.

199. Following the October 20, 2010 raid, CSS guards informed residents that ICE was coming back soon to "finish the job."

200. As a result of the October 20, 2010 raid, many Latino Clairmont residents immediately vacated the premises, accomplishing Defendant Hall's stated goal.

FIRST CAUSE OF ACTION

Illegal Entry into Homes in Violation of Fourth Amendment

Home Raid Plaintiffs

(Bivens claim against Defendants F-106 Agents, I-4 Agents, and F-102 Agents)

201. Home Raid Plaintiffs reallege and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

202. Defendants F-106 Agents, I-4 Agents, and F-102 Agents entered the Home Raid Plaintiffs' residences without search warrants or consent, and without probable cause or the presence of any exigent circumstances, in violation of the Plaintiffs' right to be free from unreasonable searches under the Fourth Amendment to the United States Constitution.

203. By entering the homes of Home Raid Plaintiffs without a valid search warrant, without consent, and without probable cause and exigency that would render such

intrusion reasonable, Defendants F-106 Agents, I-4 Agents, and F-102 Agents violated the Fourth Amendment rights of the Home Raid Plaintiffs.

204. As a result of the ICE Defendants' actions, the Home Raid Plaintiffs suffered damages, including, but not limited to, humiliation, fear, loss of liberty, and emotional distress.

SECOND CAUSE OF ACTION

Unreasonable Search of Homes in Violation of Fourth Amendment

Home Raid Plaintiffs

(Bivens claim against Defendants F-106 Agents, I-4 Agents, and F-102 Agents)

205. The Home Raid Plaintiffs reallege and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

206. By searching the homes of Home Raid Plaintiffs without a valid search warrant, without consent, and without probable cause and exigency that would render such intrusion reasonable, Defendants F-106 Agents, I-4 Agents, and F-102 Agents violated the Fourth Amendment rights of the Home Raid Plaintiffs to be free from unreasonable searches and seizures, including unreasonable intrusions into their homes by government officers.

207. As a result of the ICE Defendants' actions, Home Raid Plaintiffs suffered damages, including, but not limited to, humiliation, fear, loss of liberty, and emotional distress.

THIRD CAUSE OF ACTION

Unreasonable Seizures in Violation of Fourth Amendment

All Plaintiffs

(Bivens claim against all ICE Defendants)

208. Plaintiffs reallege and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

209. By detaining Plaintiffs without a valid deportation warrant, arrest warrant or probable cause and exigency that would render such seizures reasonable, the ICE Defendants violated the Fourth Amendment rights of Plaintiffs to be free from unreasonable seizures.

210. As a result of these seizures, Plaintiffs suffered damages, including but not limited to, loss of liberty, humiliation, fear and emotional distress.

FOURTH CAUSE OF ACTION

Excessive Force in Violation of Fourth Amendment

***Plaintiffs Sanchez Villalobos, Deras, Quintanilla Gomez, Morteo Mendez, Palencia Sarmiento, Nuñez Escobar, Juarez Cajbon and Raxcaco Cajbon
(Bivens claim against one or more of the F-106 Agents and Defendant Lim)***

211. Plaintiffs reallege and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

212. By needlessly pointing guns directly at Plaintiffs Sanchez Villalobos, Deras, Quintanilla Gomez, Morteo Mendez, Palencia Sarmiento, and Nunez Escobar, one or more of the F-106 Agents used excessive force against Plaintiffs Sanchez Villalobos, Deras, Quintanilla Gomez, Morteo Mendez, Palencia Sarmiento, and Nuñez Escobar, and in doing so, violated their Fourth Amendment rights to be free from the use of unreasonable or excessive force.

213. By physically seizing Plaintiff Sanchez Villalobos and needlessly shoving his face into the wall, even though he had offered no resistance to the agents, one of the F-106 Agents used excessive force against Plaintiff Sanchez Villalobos, and in doing so, violated his Fourth Amendment rights to be free from the use of unreasonable or excessive force.

214. By needlessly tightening the handcuffs of Plaintiffs Juarez Cajbon and Raxcaco Cajbon, Defendant Lim used excessive force against Plaintiffs, and in doing so, violated their Fourth Amendment rights to be free from the use of unreasonable or excessive force.

215. As a result of the use of excessive force, Plaintiffs Sanchez Villalobos, Deras, Quintanilla Gomez, Morteo Mendez, Palencia Sarmiento, Nuñez Escobar, Juarez Cajbon and Raxcaco Cajbon suffered damages, including, but not limited to, loss of liberty, humiliation, pain, fear and emotional distress.

FIFTH CAUSE OF ACTION
Equal Protection in Violation of Fifth Amendment
All Plaintiffs
(Bivens claim against all ICE Defendants)

216. Plaintiffs reallege and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

217. ICE Defendants stopped, detained, searched, seized and/or arrested the Plaintiffs solely on the basis of the Plaintiffs' race, ethnicity, and/or perceived national origin, or association with individuals based on their race, ethnicity, and/or perceived national origin, in violation of the equal protection component of the Due Process Clause of the Fifth Amendment to the United States Constitution. ICE Defendants did so knowingly and intentionally, and motivated by a discriminatory animus towards Plaintiffs' race, ethnicity, and/or perceived national origin.

218. The actions of the ICE Defendants were intentional, malicious, reckless, and reflect a callous disregard or indifference to the civil rights of Plaintiffs.

219. As a result of these seizures, Plaintiffs suffered damages, including but not limited to, loss of liberty, humiliation, fear and emotional distress.

SIXTH CAUSE OF ACTION
Conspiracy to Violate Fourth and Fourteenth Amendments
All Plaintiffs
(§ 1983 claim against All Defendants)

220. Plaintiffs reallege and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

221. The MNPD Defendants, the ICE Defendants, Defendant Hall (acting on behalf of Defendants Greystar and TriTex), Defendant CSS, and Defendant West, acting under color of state law, conspired with each other, worked in concert and agreed or reached a mutual

understanding to rid Clairmont of Latino residents by entering Plaintiffs' homes, searching Plaintiffs' homes, and seizing Plaintiffs without probable cause.

222. In furtherance of that agreement, no search, arrest or administrative warrants were obtained or presented to Plaintiffs.

223. In furtherance of that agreement, Defendants worked together to subvert the probable cause and warrant requirements of the criminal justice system and accomplished Defendant Hall's goal of "cleaning house" and ridding Clairmont of its Latino residents by engaging MNPD and ICE's NVLFOT to assist in the execution of a large-scale, warrantless raid which resulted in the mass detention and/or arrest of individuals based on nothing other than their ethnicity, skin color, physical appearance, and/or perceived national origin, or association with individuals based on ethnicity, skin color, physical appearance, and/or perceived national origin, in violation of the Fourth and Fourteenth Amendments.

224. Defendants acted willfully, deliberately, maliciously or with reckless disregard of the Plaintiffs' constitutional rights.

225. As a result of the above-named Defendants' actions, the Plaintiffs suffered damages, including, but not limited to, loss of liberty, humiliation, fear and emotional distress.

SEVENTH CAUSE OF ACTION
Conspiracy to Violate Fourth and Fifth Amendments
All Plaintiffs
(Bivens claim against all Defendants)

226. Plaintiffs reallege and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

227. The MNPD Defendants, the ICE Defendants, Defendant Hall (acting on behalf of Defendants Greystar and TriTex), Defendant CSS, and Defendant West, acting under color of federal law, conspired with each other, worked in concert and agreed or reached a

mutual understanding to rid Clairmont of its Latino residents by entering Plaintiffs' homes, searching Plaintiffs' homes, and seizing Plaintiffs without probable cause.

228. In furtherance of that agreement, no search, arrest or administrative warrants were obtained or presented to Plaintiffs.

229. In furtherance of that agreement, Defendants worked together to subvert the probable cause and warrant requirements of the criminal justice system and accomplished Defendant Hall's goal of "cleaning house" and ridding Clairmont of its Latino residents by engaging MNPD and ICE's NVLFOT to assist in the execution of a large-scale, warrantless raid which resulted in the mass detention and/or arrest of individuals based on nothing other than their ethnicity, skin color, physical appearance, and/or perceived national origin, or association with individuals based on their ethnicity, skin color, physical appearance, and/or perceived national origin, in violation of the Fourth and Fifth Amendments.

230. Defendants acted willfully, deliberately, maliciously or with reckless disregard of the Plaintiffs' constitutional rights.

231. As a result of the above-named Defendants' actions, the Plaintiffs suffered damages, including, but not limited to, loss of liberty, humiliation, fear and emotional distress.

EIGHTH CAUSE OF ACTION
Conspiracy to Deprive of Equal Protection Rights
All Plaintiffs
(42 U.S.C. § 1985(3) Claim Against all Defendants)

232. Plaintiffs reallege and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

233. Defendants entered into an agreement to act in concert for the purpose of ridding Clairmont of its Latino residents, thereby depriving the Plaintiffs of the equal protection of the laws. The conspiracy included, but was not limited to, an agreement to detain, interrogate,

and arrest Plaintiffs in furtherance of the plan and scheme to rid Clairmont of its Latino residents.

234. Defendants performed several overt acts in furtherance of this conspiracy, including, but not limited to, planning the October 20, 2010 raid, facilitating the October 20, 2010 raid, unlawfully entering Plaintiffs' homes, usually by force, and arbitrarily detaining and arresting Plaintiffs without reasonable suspicion or probable cause justifying Defendants' actions.

235. Defendants' plan and scheme, and the overt acts taken in furtherance of their conspiracy, were motivated by a discriminatory animus against Plaintiffs based on their ethnicity, physical appearance, and/or perceived national origin, and/or their association with individuals based on ethnicity, physical appearance, and/or perceived national origin.

236. As a result of the conspiracy between and amongst the Defendants and the overt actions taken in furtherance thereof, Plaintiffs suffered damages, including, but not limited to, loss of liberty, humiliation, fear and emotional distress.

NINTH CAUSE OF ACTION

Violation of the Equal Protection Clause of the Fourteenth Amendment

All Plaintiffs

(§ 1983 claim against all MNPD Defendants, and Defendants Greystar, TriTex, Hall, CSS, and West)

237. Plaintiffs reallege and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

238. With the assistance, encouragement, participation and facilitation of Defendants Greystar, TriTex, Hall, CSS, and West, the MNPD Defendants stopped, detained, searched, seized and/or arrested the Plaintiffs solely on the basis of the Plaintiffs' race, ethnicity, and/or perceived national origin, and/or Plaintiffs' association with individuals based on their

race, ethnicity, and/or perceived national origin, in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. ICE Defendants did so knowingly and intentionally, and motivated by a discriminatory animus towards Plaintiffs' race, ethnicity, and/or perceived national origin.

239. As a result of these seizures, Plaintiffs suffered damages, including, but not limited to, loss of liberty, humiliation, fear and emotional distress.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court grant the following relief:

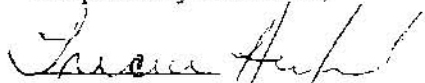
- (a) Enter a declaratory judgment that Defendants violated Plaintiffs' rights under the U.S. Constitution and civil rights laws;
- (b) Award Plaintiffs their nominal and actual damages;
- (c) Award Plaintiffs compensatory damages in an amount to be determined at trial, and hold Defendants jointly and severally liable for compensatory damages;
- (d) Award Plaintiffs punitive damages in an amount to be determined at trial;
- (e) Award Plaintiffs pre-judgment and post-judgment interest as allowed by law;
- (f) Award Plaintiffs their reasonable costs, expenses and attorneys' fees; and
- (g) Grant such further relief as this Court deems just and appropriate.

JURY DEMAND

Plaintiffs demand trial by jury on all issues as to which a jury trial is available.

Dated: October 19, 2011

Respectfully submitted,



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* *pro hac vice* admission forthcoming